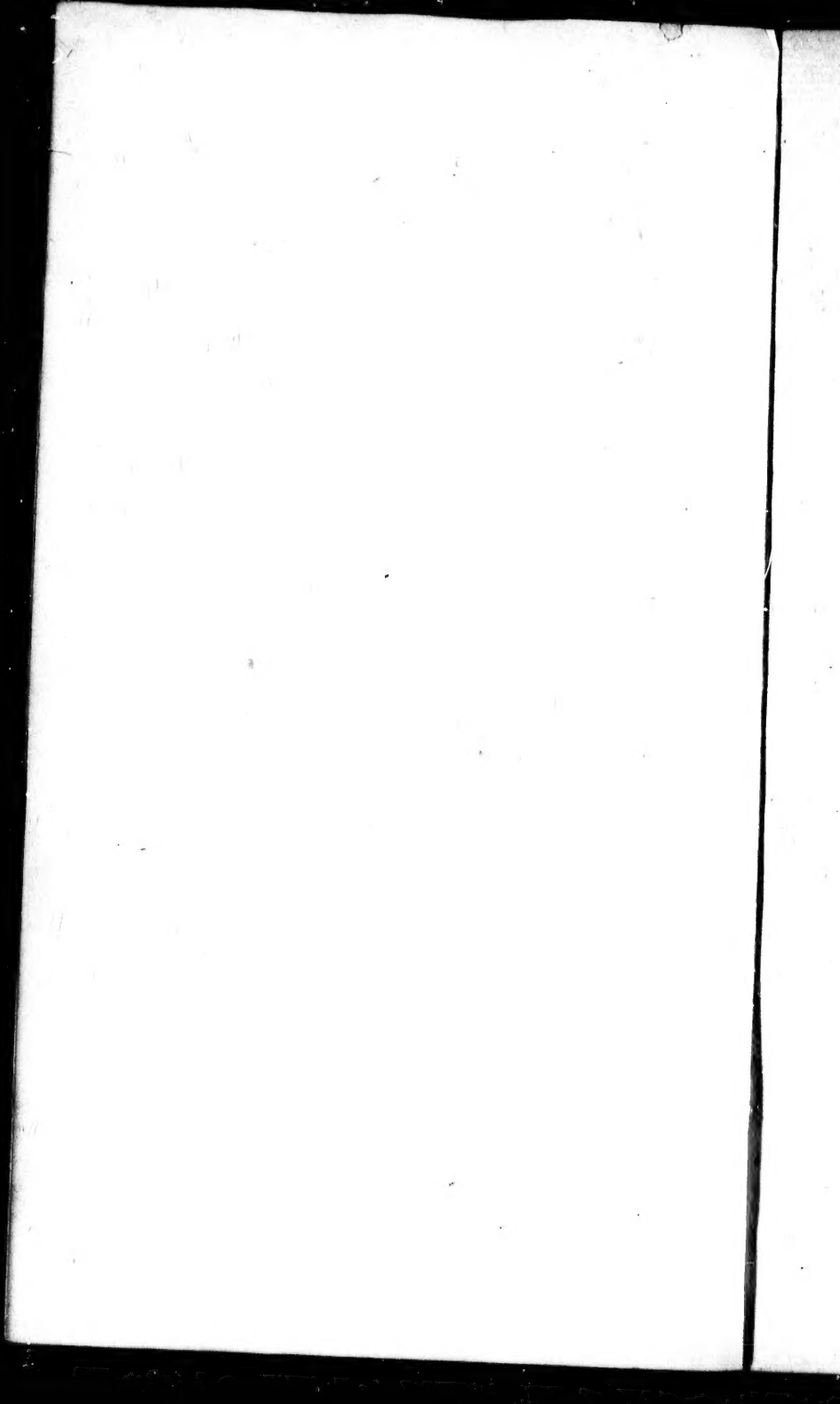




THREE  
MEMORIALS  
MOST HUMBLY ADDRESSED TO  
THE SOVEREIGNS  
OF  
EUROPE,  
GREAT BRITAIN,  
AND  
NORTH AMERICA.

By T. POWNALL,

Late Governor, Captain-General, Commander in  
Chief, Vice-Admiral, &c. of the Provinces, now  
States, of Massachusetts-Bay and South-Carolina,  
and Lieutenant-Governor of New-Jersey.

L O N D O N:

Printed for T. CADELL, B. WHITE, T. PAYNE,  
P. ELMSLEY, J. WALTER, and J. DEBRETT.  
M.DCC.LXXXIV,

# PLATE 23

# CONCLUSION

RECEIVED

and the following information:

1. Name of the person or persons who are the subject of the investigation.
2. Address of the person or persons who are the subject of the investigation.
3. Date of birth of the person or persons who are the subject of the investigation.
4. Date of death of the person or persons who are the subject of the investigation.
5. Date of the investigation.
6. Date of the report.
7. Date of the investigation.
8. Date of the report.
9. Date of the investigation.
10. Date of the report.

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## GENERAL PREFACE.

**A**LTHOUGH at the first publication of the Memorial addressed to the Sovereigns of Europe I withheld my name; I never denied my being the Author. There are no opinions in this Tract which I have not repeatedly declared, in my publick character, as a member of Parliament, and which I have not maintained whenever and wherever I thought that my duty to my Country, and my good-will to the British nation, as well in America as in Great Britain, required it. I had therefore nothing to conceal respecting myself personally. As I had held myself detached from all parties, and was never of the faction of any Junto, so was I unprejudiced by any national at-



tachments in my argument. I wrote solely and expressly to state to Europe and America at large ; I. The actual case which the then present combination of events formed : To state this in a comparison of the two Worlds, the old and new, by facts attentively watched and examined through five-and-twenty years experience. II. From the ordinary course and analogy of human affairs, to point out what would be the consequence and effect of this case operating on the affairs of Europe and America reciprocally. Lastly, From the lesson which that experience gives, to suggest with what spirit, and by what conduct, this advancing state of things ought to be met.

I wished that the world might receive the state of the case solely on the authority of the facts, and not on that of the testimony of any name : That it might receive the proof of the argument from the demonstration of its reasoning ; and not from the opinions of any person, howsoever supposed to be informed in those matters. I could not but be conscious, that, with many, my  
name

name would, in this business, be attended by strong prejudices, both for and against the opinions and advices which this Tract contains : I therefore withheld my name.

I stated, in a Preface, this Tract as written by a person totally withdrawn from all connections either with the Government of Great Britain or of America, by a person residing in the Azores. That it was published after the death of that person. Although a fictitious Author was thus held out ; yet every article of the account of this person had its ground in truth. When I returned from America, and had occasion to know, not barely to see, the train into which the business and administration of the affairs of this devoted country were to be led ; I had determined to retire back to America, and live a private character there. This I had publicly declared in a letter addressed to Mr. Grenville, printed in 1764. The personal connection which I formed by marriage, suspended that for a time—When it pleased God to take this connection from me in the year 1777, I should then have

have put that determination into execution, had not the state of affairs between Great-Britain and America rendered it impracticable. The idea given out that the comparison between the Old World and the New, between Europe and America, had been made by a person under the meridian of the Azores, is also true. For I find in my Journal, that in sailing from America to Europe, in the year 1756, this comparison was actually made by me on the 27th of February, when I was, on that day, under that meridian. And as to the death of the writer of this Tract, at the time of its publication, that also is true in effect. For I do now, and did then, consider my political line of life in these matters as much at an end as if I was actually and personally dead. However, as my retiring from publick life was a kind of political suicide—

*Dubito ab—————*

*Nobile lethum.*

Thus much for the Preface to the first editions of the Memorial to the Sovereigns of Europe.

Europe. Some further account of the publications which I made on these matters, may become proper.

When, in the year 1763, I returned from Germany, I was offered any Government in America, if I would return to that country, and undertake that line of service. I excused myself. I had had occasion to experience the ignorance and false conceptions by which the men of business in England were prejudiced and perverted as to the state and the affairs of our establishments in America. I had perceived that they, feeling impracticable obstruction in *their line and mode* of administering these affairs, did, as is very natural, conclude, that the constitution of these external parts of the Empire was wrong: That these parts being settled and formed as Colonies, was an original error in their first establishment: That therefore, in order to form a practical system of American administration, *this establishment of Colonies* should be converted into a *system of Provinces*, which might be governed by *Provincial Government*, that is, by a power  
supreme

supreme over, and external to, their constitution: that the then moment, while there was a British army in the Colonies, before the Colonies grew up to adolescence, and while Great-Britain was at peace with all the powers of Europe, was the time in which this measure \* should be taken.

That as these Colonies had by their constitutions freedom of legislative will, and the privilege of raising their own Supplies, and making their own Grants, within their own jurisdictions, so the surest way of securing their dependence, was an exercise of the supremacy of Great-Britain, in legislative

\* Unfortunately for this plan it was attempted, when the Colonies *were become* adolescent, and too powerful to be so treated: Which Ministers, if they had attended to effects of this power, so visibly operating in the late war, might have seen. Unfortunately for this plan, instead of being a measure to be carried on while Great-Britain was at peace with all the powers of Europe, the advisers and conductors of it put it on such grounds as created a general spirit of jealousy and hostility in all the Marine powers of Europe; and which arose to actual war with two of the most powerful.

power, external to their will, and in imposing and levying of taxes, neither given nor granted by their own consent: And finally, that a revenue so raised might be applicable, as future occasions might require, to the measures of British politicks. Instead of engaging in that line of service under such a system, I, on the contrary, seeing the mischiefs which must attend such ignorance, and the dangers which must follow such presumption, drew up a paper, describing the state of our Colonies: Drawing as in a plan, the Administration by which they ought to be governed, as being what they actually were, not what they were imagined to be, or were intended to be made to be. - In this paper, I first stated, that NASCENT CRISIS which America was forming in all parts of its circuitous orbit: That the several parts of this system, in their properties and in their motions, as well as the people in their affections, conspired, as it were, by *a principle of attraction*, to a center which lay *naturally* within the dominions, and might *constitutionally* be fixt within the empire of Great-

\*B

Britain.

Britain. But that, if the Government of Great-Britain, instead of acting by the principles of nature and her constitution, would not consider these establishments as parts of her realm, but as external dependencies to be governed by external Government; if she adopted *this repellant principle*, the Colonies, having a common principle of attraction amongst themselves, would converge, by that principle, to a common center of their own, *without the realm*. I ventured to assert, that this state of things formed precisely what I called the Nascent Crisis of that period of time: And that the managing of the events of that Crisis, was the precise business and duty of the Ministers of that period: Finally, that an Administration for American affairs, suited to this state of the business\*, ought to be formed by the then Minister: That the system of the business was founded in nature, and that he had but to follow as nature led. I then stated what would be the particular points

\* Id est viri & Ducis non deesse Fortunæ, sed oblata casu vertere ad consilium.

of business which would require the attention of Government; and by describing, under their respective heads, the several branches of *Colonial Government*, pointed out what was wanting and what was practical. I ventured to assert, that such a system and state of things as then were, conducted by such an Administration, WOULD FORM GREAT BRITAIN AND ITS DEPENDENCIES INTO A ONE GREAT MARINE EMPIRE AND DOMINION EXTENDING OVER THE ATLANTIC AND AMERICA, WHOSE CENTER WOULD BE FOUND WITHIN THE BRITISH EMPIRE.

After having made a *precis* of this business, and seeing no hopes that the state which it contained would be admitted by Government; nor the reasoning, it led to, be acquiesced in, I extended this paper into a Treatise on the subject, and published it in the year 1764, as an appeal to the sense of the nation at large, under the title of *The Administration of the British Colonies*. The refusing to go to America on this service, and the publication of this Treatise,



ruined me with those who had the real power of Government in their hands. I was not ignorant that it would have such effect. I sacrificed to what I thought truth and right; and I thank God I have never yet once, to this hour, repented that I made that sacrifice. Perhaps they have more than once repented that they did not follow this advice.

Whether the part which I afterwards took as a member of Parliament be known or understood, is of no consequence; for being such as answered not the purposes of *any party* of men, it rendered not only my conduct but myself of no consequence in my native land. *Paulum sepultæ distat inertia celata*——before I decided upon holding this conduct, I had settled it with myself to be content in insignificance, and I have repeatedly gloried in this my state of insignificance. Upon the winding up of the late great Revolution in the empire, I enjoy from hence, a more real and solid happiness than all the emoluments and honours of Government could create in me.

When

When, after a long and vexatious struggle in dispute, I saw an opportunity of conciliation opening, which might have been brought forward into event in 1774, if the contending parties would but agree *to look for grounds of agreement*: I endeavoured by my correspondencies in America, and by measures which I proposed to Government here, correspondent to what I knew of the \* petition to the King which was to be proposed in Congress, and which was afterwards brought to England by Governor Penn; I endeavoured *to open the ways to those grounds*, and would have undertaken to find *my way* to them. I had communications with a Minister who had not the power of putting into execution measures which he approved. I was treated with by that man, who either deceived me or himself, and became † *an unfortunate Minister*; an instrument of a cruel, fruitless war; and of ruin to his country in the event and effect of it. Dur-

\* Praying his Majesty to appoint some means of taking the sense of his faithful people in America.

† These were his own words spoken in Parliament.

ing

ing these my negotiations\*, I published what I had written in the preceding Summer, *the Second Part of the Administration of the British Colonies*; endeavouring to establish in the minds of men the distinction between, what I called, *Colonial* and *Provincial Government*, as preparing the ground of conciliation—and as I had occasion to know the sentiments of some leading men in Congress, “that such measures “ were the only means of preventing the “ train of evils which must otherwise follow, perhaps the only means of saving “ the two countries.” I offered to undertake what I proposed—*Sed dis aliter visum. The refusing of the Petition of Congress, and the measures taken* which Lord Howe went out to execute, made it necessary for Congress *to declare the Independence of America*. Our system of politicks left them no other alternative. And if there were any party in Congress who were willing to oppose that declaration at that time, they found the ground cut up from under their feet:

\* In 1774.

All hopes of conciliation vanished: All means of the two countries getting upon *grounds of agreement* became impracticable: And war, a ruinous war, took its course. The events of this war, and the effects which they had at the time on the Cabinet of France, formed an opportunity, which might have been taken, of setting on foot a treaty of peace and commerce with America\*. This came to my knowledge, I laid the facts, and my idea of the use which might be made of them, before a Minister, the Minister for the American department. The treating with the States in Congress, as Sovereign and Independent, was a point *sine quo non*: And no other treaty than a *fæderal* one was practicable. I will not here aggravate the pains of a wounded and repentant conscience. History will hereafter tell her story. It is sufficient here to say that any such proposition was inadmissible *in limine*. I suffered not the matter to rest here†. I announced it in Parliament, and recommended (*the first time that any such idea was ever announced there*) A FÆDERAL TREATY

\* September, 1777.

† November, 1777.

with

with America. This was novel, and so contrary to the wisdom of our Government, that Ministers, though they dare not touch the argument in Parliament, called it in the Cabinet, *a wild notion*. Not answering, at that moment, the purposes of party, it was equally neglected by the opposition, and I found myself alone. And thus another opportunity of profitable peace, such as might have been *then* obtained, was lost. These things, however, opened the eyes of the French Cabinet. The discernment of their Councils saw things *as they were*; and they treated them *as being what they were*: They commenced at this time a treaty civil and commercial with the States of America *as Sovereign*, while the Ministry of Great-Britain was amusing itself in forming a plan of sending Commissioners to Congress to solicit the States to return to their Dependance, or at least to *something short of Independence*. I had \* communication with the Minister on this matter—and stated to him, in a written paper, that the commencing any treaty, *by a definitive propo-*

\* January 1, 1778.

*tion,*

tion, before he had grounds of agreement or preliminaries, could have no other effect but to render those with whom he would treat impracticable; and must end in disgrace. I said the same afterwards openly in Parliament, adding an advice, that the commission should be extended to the treating with the States as Independent—without which the mission would be fruitless, and must end in disgrace. I was here again a wild man. The French in this interim, actuated *by such wild ideas*, concluded a treaty of amity and commerce with the Sovereign and Independent States of America. The British mission, however, went forth; and if ever an humbled country was disgraced; Great-Britain, at the feet of America, and in the eyes of all the world, was disgraced.

The powers of Europe began to interpose in this contest. They began to see the actual state of things. They weighed it, as a contest of power, in *the scale of war*: I wish it to be viewed and considered in the calm lights of reason and Peace. I wished

\*C

them

them so to see the combination of events which was in operation ; so to look to the effects it must have, as to be convinced that in the end it must be settled by negotiation, whatever were the operations of war : And that the forming a line of conduct in a system of policy, wherewith the advancing state of things should be met, was the only idea whereon the restoration, and secure practical establishment of general peace could be founded. Under the impression of these sentiments, I published *The Memorial addressed to the Sovereigns of Europe*. The idea was novel, *but it had its effect*. “ This  
 “ truth was at first treated as unintelligible  
 “ speculation. It was unfashionable. It was  
 “ neglected, even where it was not rejected.  
 “ By degrees it entered into the reasoning  
 “ of many individuals ; and when it was in  
 “ various translations and editions expand-  
 “ ed over Europe, it was found insensibly  
 “ to mix itself with the opinions of States-  
 “ men ; and at length reached the ear and  
 “ penetrated the heart of some Sovereigns ;  
 “ lastly, those of the Ministers and Sovereign

" of Great-Britain. *And it had its effect.*"

The propositions whereon the second Memorial, in two parts, were draughted, as intended to be presented, although not presented, *had also its proper effect.* The fact which I authorised General Conway to announce to Parliament, gave an immediate majority in Parliament to those who opposed the American war—and rendered it necessary for a Ministry, who either would not or could not make peace, to retire and go out of office.

Those who assumed the lead of the party which came into office did not make peace: I speak only to the fact. And I never heard that they ever attempted the *forming of a FAMILY COMPACT*; a thing more natural between *two nations*, who were of the same family, than between *two courts* who governed two nations naturally discordant to each other. This measure was strongly pointed out, in the Preface to the

two



two Memorials addressed to the King ; but the opportunity is gone.

What effect the *Third Memorial, addressed to the Sovereigns of America*, may have in America ; what use the Ministers of Great-Britain and of Europe may make of the truths which it contains ; remains to be seen in future time.—This, as the former was not at first, is not yet understood, and I can see will not be understood until events which it refers to shall explain this as former events have done that. A man who knows the interior mechanism of a clock—and sees the hand or index pointing up to the number twelve at noon—does not foresee, and is no prophet in foretelling, that in six hours time it will be reversed, and point down to six.

POWNALL.

A  
M E M O R I A L,  
MOST HUMBL Y A D D R E S S E D  
T O T H E  
S O V E R E I G N S o f E U R O P E,  
O N T H E  
P R E S E N T S T A T E o f A F F A I R S,  
B E T W E E N T H E  
O L D A N D N E W W O R L D.

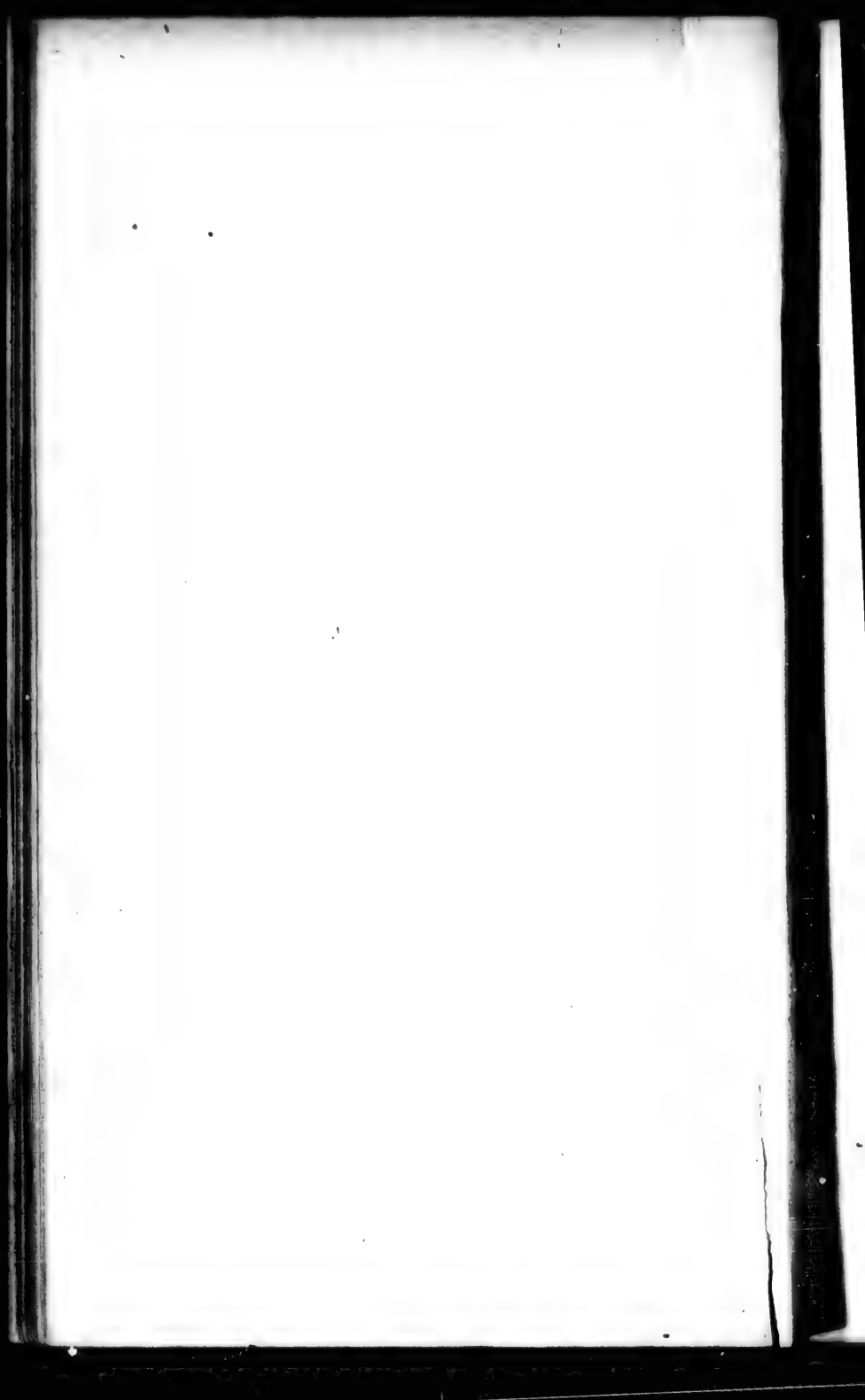
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Τὰ προγεγονότα διαδιωγῶν, τὰς τῶν δούλων τῶν ἡγεμονιῶν μεταβολὰς·  
ἔξεισι καὶ τὰ ἰσόμενα προερχομένων· Ὁμοίᾳ γὰρ πάλιν ἔσται, καὶ οὐχ ἰδίᾳ  
τε ἐκβῆναι τῷ ῥυθμῳ τῶν νῦν γινομένων· Ὅθεν καὶ ἴσοι, τὸ τεσσάρη-  
κοῖα ἔσονται ἰσοῦσαι τὴν ἀνδεραπινὸν βίαν, τῷ ὑπὲρ ἑτα μύρια· τί γὰρ  
πλείον οὔκει;

M. ANTONINUS, Lib. 7. § 49.

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L O N D O N:  
Printed first in 1780, and fourth Edition 1784.



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## P R E F A C E.

**T**HE Memorial which I herewith send you, was written by a Friend of mine, who is lately dead. It is of no consequence to the Public to be informed who he was. What he was, and of what spirit, will appear by his Writings. A decisive misfortune in his personal relations had determined him to quit Europe, and to settle in America: He had arranged his affairs to that end; and, although from the troubles which, in the interval of his preparations, arose in America, he suspended his actual settlement in that Country; yet he so far quitted Europe as to go and reside in the Azores or Western Isles, devoting himself to that study and contemplation which

which was best suited to console him under his misfortunes, and to reconcile him to the sacrifice which he was about to make of every thing that remained to him of what the World holds most dear. I had the happiness of corresponding with him while he lived there, and I received this from him, with leave (if ever a time should arrive, in which I should think it might be of use) to publish it, on this condition, that I would write "something of a Preface to it. I do not," (\*says he,) "like the Roman Statesman, say, *Orna me*. Leave me to oblivion, and in peace; for that is all I now seek. I am persuaded that the matter of facts, as the Memorial states it, and that the present combination of events, as the Memorial describes it, is true: That the consequences which I point out, as flowing from them, are *probable*: And that the conduct which I describe as that with which these things should be met, is the best wisdom for the Sovereigns of Europe, by which they can promote  
" the

\* In a letter dated Nov. 1778, *Ponta del Gada* in *St. Michael's*.

“ the interest of their States, or the happi-  
 “ nefs of their People. \* If the events do  
 “ not come forward *at this period* as I sup-  
 “ pose, or just *in the series of proceſſion* as my  
 “ reasoning hath attempted to draw the line,  
 “ that is nothing to the age of the world,  
 “ nor to the growing system of a state. The  
 “ thing, therefore, which I ask of you, is,  
 “ to show how the general reasoning on the  
 “ general train of events, applies to the cir-  
 “ cumstances of the time whenever you shall  
 “ publish it: And that you will give it (in  
 “ French, or in any other language gene-  
 “ rally understood) such a fashionable dress,  
 “ such as that the world may receive it  
 “ and understand it. Also, I wish that it  
 “ may be understood how sensible I am  
 “ that an *Apology* is necessary for my pre-  
 “ suming to address a Memorial to Sove-  
 “ reigns, on a subject in which they must  
 “ be supposed to be perfectly informed, and  
 “ in which your Friend (it may be sup-  
 “ posed) can have so little practical informa-  
 “ tion.

\* They have, however, come forward at this period, 1783;  
 and exactly in the series of proceſſion as I drew the line.

" tion. Although, in what I am going to  
 " say, I shall shew no great art or address,  
 " nor observe that conduct which would be  
 " likely to recommend this Memorial to the  
 " great world; yet, for truth's sake, I will  
 " say it, That I have always found that the  
 " Sovereigns, as far as they are informed, and  
 " are in circumstances to exert themselves,  
 " have the interest and prosperity of their  
 " subjects, the welfare and happiness of  
 " mankind, more at heart, than it ever  
 " enters into the heads or hearts of their  
 " Ministers to conceive. It is for that rea-  
 " son that I have presumed to address them.  
 " I will set the great Henry of France at  
 " the head of the first list: One has heard  
 " of a Sully, a Fleury, a Clarendon, a  
 " Somers, a De Witt, a Franklin; and for  
 " the common good of mankind one would  
 " hope, that such men, in all countries  
 " where they can act, may never be want-  
 " ing to continue this other list."

Although this my Preface will be formed  
 chiefly by extracts from my Friend's letters,  
 who

who can best explain his own views, and which, without the parade of Authorism, are most fairly explained in those private sentiments : Yet, I doubt whether it may not be necessary to say, that though he here appears as an abstracted Philosopher, yet he was not unpracticed in the business of Government, nor uninformed by experience in a knowledge of the nature of the European Settlements in America. His life was a compound of business and frivolity *abroad* : He was a Philosopher *at home* ; and always, what may be very properly expressed, *very much at home*. He was conscious that he thought very differently from the generality of mankind on those subjects ; and used while in Europe frequently to lament how little he was understood on the subject matter of this business. In a letter dated from the same place, in *March* 1779, he says, “ When I look back, and compare my “ opinions with events which seem to have “ confirmed them, and yet see how little “ effect these opinions have had, even when “ called for, and when duly explained, by  
“ facts



“ facts, in their proper place, I am at  
 “ length convinced, that I have not the  
 “ talent of so arranging, and of so explain-  
 “ ing things, which I am sure are facts and  
 “ truths, as to demonstrate them to others.  
 “ That mind, whose faculties are most rea-  
 “ dily exerted in the search of truth, is sel-  
 “ dom habile and efficient in the demonstra-  
 “ tion of it. This, therefore, will be the  
 “ last Paper which I sha'll ever write on this  
 “ side the world, on this subject. So little  
 “ (if I am not too vain in a reference to my  
 “ own ideas) was this subject compre-  
 “ hended, so little did it seem interesting,  
 “ so little was it relished, when I was in  
 “ Europe, that I scarce ever talked of it in  
 “ real earnest: And, although this with-  
 “ drawn place may seem best suited for  
 “ contemplation; yet I feel here the want  
 “ of that correspondence and conversation,  
 “ which elicits, and brings forward into  
 “ effect, the power of reasoning, better  
 “ than the closest and most intense study  
 “ ever did. *Nec quenquam habeo quocum fa-*  
 “ *miliariter de hujus modi rebus colloqui pos-*  
 “ *sim;*

*sim; ut ne saltem explicem & exacuam.*  
 “ And I own I have my apprehensions that  
 “ I may prove to be as *visionary*, as the  
 “ world, I know, *will think me.*” Whether the world will be of opinion with my Friend’s apprehensions or not, that this Memorial is visionary; you receive it, Mr. Almon, just as I received it. It appears to me to be founded in fact; to be plain and intelligible, is what I understand; and what therefore, I think, any other may very well understand. I hope, that, little as this Memorial is in its bulk, indeed not enough to make a book; it will neither be sold or read as a pamphlet *laxa cervice*. There is nothing in it to amuse such readers. If the matter which it contains, does not attract and engage the serious attention of serious men of business, it is neither worth your printing, nor their purchasing.

I differ from my Friend, and think it best that it should appear first in its own dress and language; I therefore send it to you, to print off an edition of it. I shall have  
 it

it translated afterward into a language that the generality of the world understands, because I think, that the matter which it contains, is of great importance to the States of Europe in general, as well as to England and America in a more particular manner.

I am,

Sir,

Your Humble Servant,

\* \* \* \* \*

Editor.

Paris, Jan. 25, 1780.

A

# MEMORIAL, &c.

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———— omnia, Tempus  
Nacta suum, properant Nasci ————  
CLAUDIAN.

**T**HAT NASCENT CRISIS, which at the end of the last war, "opened a new channel of business, and brought into operation a new concatenation of powers, both political and commercial," is now, at the beginning of this present war, come forward into birth, in perfect and established system. "The spirit of commerce hath become a leading and predominant power," it hath formed throughout North-America, and hath extended to Europe the basis of a new commercial system. "THE RISE AND FORMING OF THAT SYSTEM WAS WHAT PRECISELY CONSTITUTED THE CRISIS OF THAT TIME." It was seen by men who knew

A

how

how to profit of the knowledge ; those who should have profited would not see that " THAT ONE GENERAL COMPOSITE INTEREST " so formed, and so acting under the same laws, and by the same spirit of *attraction* which pervades all nature, must necessarily, in the procession of its power, have " A ONE COMMON CENTER OF GRAVITY AND UNION." There was, at that time, a State in Europe within whose dominions *that center* lay, coinciding nearly with the center of its own proper *political* system, and making even a part of its *natural* system. The operations of this composite system took a course almost in the very direction of the line of the natural movements of that State. The basis of a *great marine dominion* was laid by Nature, and the God of Nature offered that dominion to the only Power with which the spirit of liberty then dwelt. But the Government of that State, being wise in its own conceit, not only above, but against those things which existed, rejected Nature and would none of her ways ; despised the wisdom of that  
 Providence

Providence which had established her. The spirit of attraction which Nature actuates was held to be a vision; and THAT STATE OF UNION, which the hand of God held forth, was blasphemed as folly. The Ministers of that country said to Repulsion, Thou shalt guide *our spirit*; to Distraction, Thou shalt be our wisdom. This spirit of Repulsion, this wisdom of Distraction, hath wrought the natural effect, dissolution. They have not only lost for ever the dominion which they might have wrought their nation up to, but the external parts of the Empire are one after another falling off, and it will be once more reduced to its insular existence.

On the other hand, *this new system* of power, united in and moving round its own proper center "*had dissolved the effect of all artificial repulsions which force would create, and hath formed those natural connections by and under which its actual interest exists.*" Founded in Nature it is growing, by accelerated motions, and accumulated accretion of parts, into an independent, organized being, a great and

powerful empire. *It has taken its equal station with the nations upon earth.*

*Video solem orientem in occidente.*

North-America is become a new *primary planet* in the system of the world, which while it takes its own course, in its own orbit, must have effect on the orbit of every other planet, and shift the common center of gravity of the whole system of the European world.

North-America is *de facto* AN INDEPENDENT POWER *which has taken its equal station with other powers*, and must be so *de jure*. The politicians of the Governments of Europe may reason or negotiate upon this idea, as a matter *sub lite*. The powers of those Governments may fight about it as a new Power coming into establishment ; such negotiations, and such wars, are of no consequence either to the right or the fact. It would be just as wise, and just as effectual, if they were to go to war to decide, or set on foot negotiations to settle, to whom for the future the sovereignty of the moon should belong. The moon hath been long common to them all, and they may

may all in their turns profit of her reflected light. The independence of America is fixed as fate; she is mistress of her own fortune;---knows that she is so, and will actuate that power which she feels she hath, so as to establish her own system, and to change the system of Europe.

I will not lose time, in an useless waste of words, by attempting to prove the existence of this fact. The rapid progress of events at this crisis will not wait for such trifling. The only thing which can be useful to the world is, to examine what the precise change of system is; what will be the general consequence of such change; and with what spirit, and by what conduct the advancing state of things should be met.

If the Powers of Europe will view the state of things *as they do really exist*, and will treat them *as being what they are*, the lives of thousands may be spared; the happiness of millions may be secured; and, the peace of the whole world preserved. If they will not, they will be plunged into a sea of troubles, a sea of blood, fathomless



less and boundless. The war that has begun to rage betwixt Britain, France, and Spain, which is almost gorged betwixt Britain and America, will extend itself to all the maritime, and most likely, afterwards, to all the inland powers of Europe: and like the *thirty years war* of the sixteenth and seventeenth centuries, will not end, but as that did, by a new and general resettlement of powers and interests, according to the new spirit of the new system which hath taken place. Why may not all this be done by a Congress of all the Powers before, as well as after war? If the Powers of the present world fought for dominion by extirpation, then war is the proper engine: but if they war in order to treat for settlements of power, as has been long the system of Europe, then is war a wanton, clumsy, useless cruelty. The final issue of the contest in the final settlement of power at a peace, is seldom (I think never) in proportion to the success of arms. It depends upon the interposition of parties, who have not, perhaps, meddled with the war, but who come to the treaty for

for peace. This interposition, brought forward by intrigue, most commonly with the aid of jealousy, doth counteract by negotiation the envied effects of arms. If those who govern in Europe will look back to former wars, and will consider the views with which such were undertaken, will observe the progress which they made, and the issue in which they terminated. If they will examine the various systems planned for the enlargement of dominion, and the various struggles under those plans, which have agitated their corner of the world, and will weigh the effect of these with the various forms of opposition which hath been made to, and hath arrested their progress, they will find, that negotiation, and not war, determined these points.

The Britons have been *primeutes in politics*, they have forced and brought forward the present rising system into event and establishment before its natural season. They might, with that address which principles of truth and benevolence, deriving through common sense, direct, have secured the attachment, and retained *the filial obedience*

*obedience* of their plantations for years to come (as the Spaniards with their caution will do;) but it was unfortunately for them, a principal part of the miserable, baseless plan of their inexperienced advisers, *the confidential counsellors* (in a general proposed reform of their King's government) to reform the constitutions of their American establishments. Although they could not be ignorant, although they were not uninformed, that the course of this reform must lead to war, yet having settled in their own minds an over-weening idea of the force of arms, they thought it *no bad move*, if they should (like giving check-mate at chess) force the Americans to have recourse to arms. Conquest, of which they made themselves sure, and settlements in consequence of such conquest, in which they would not suspect any other Power could interfere, would give them the proper right and proper power of altering the establishments, and of giving them just what constitutions they thought fit; such as that given to Quebec, in the example of a conquered province held by arms. But, alas! when

when they were so ready for war, they little thought, or could be made to understand, what sort of a war it would turn out; and much less would they believe how many other circumstances of persons and things, besides the operation of their arms, would interpose, and become part of the business, before it came to the issue of a settlement.

In like manner, none of the Powers of Europe, and, I believe, very few of the most knowing politicians have considered in a general view, the effect of the present combination of events, or what effect it is likely to have, on the general system of European politics: and yet there is one thing palpably certain; that, on whatever ground the present war between Britain and the House of Bourbon may set out, or in whatever line it takes its course; that, however long, to their mutual ruin, they may continue the contest, by which they hope to decide, to which of them *as allies*, *foedere inequali*, the Americans shall belong, the Americans will belong to neither. The Powers of Europe, who will become parties, before these affairs come

to the issue of peace, will concur in no other final settlement, than that these States are an independent sovereign Power, holding a free commerce equally with all.

In order then to shew, how these matters which are like to agitate all the States of Europe, and, if they go to war on this subject, to become the scourge of the present age, how those matters may be settled, without going to war, *and will be finally settled*, whatever are the ruinous, cruel, and destructive operations, and efforts of arms. I, a man long withdrawn from business, and now, at this time, from the world, will endeavour to lay before those whom it may concern, a view of the European and American worlds, comparing their respective systems in the forms under which they exist, and operate to power; and from thence to point out what will be the natural effects of the separation of them, and of the independence of America actuating her system, as it may affect the commercial and political state of Europe; and finally to demonstrate how, if the present crisis be wisely managed, and with a spirit of goodwill

will to Men, it may be wrought into the greatest blessing of peace, liberty, and happiness, which the world hath ever yet experienced in the course of its existence.

In the situation in which I find myself detached from all connections in the interests or politics either of Europe or America; and, as to my locality, in a \* meridian between the two worlds, I can look to either as I turn to the east or west: freed from those old habits of thinking, or rather of prejudging, which an European is mechanically fettered with, I can, with the same philosophic indifference, with which an astronomer examines the comparative matter and magnitude of two distant planets, compare these two distant worlds in their magnitude, spirit, and power.

When I speak of greatness in the one or other, I mean (as Mr. Bacon, the Lord Chancellor expresses it) the *amplitude and growth of states*. This subject, the comparing the greatness of two continents, which never came into comparison before,

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\* At the Azores.

is not more novel in the matter, than I shall be thought to be visionary in the manner and argument; I must, therefore march here with formal and measured steps.

Before I enter into this comparison of the amplitude and growth of the states of the old and new world, I shall here premise, what the same noble author suggests, and which, in the course of reasoning, will be expected. "That in the measuring and balancing of greatness, too much is ascribed to largeness of territory on one hand; and on the other, too much to the fruitfulness of soil, or abundance of commodities."

Under this caution premised, I shall state first the *natural greatness* of the new world compared with that of the old.

Greatness without connection of parts is expanse not greatness: natural connection of parts without an actuating intercommunion of those parts, is encumbered bulk, not strength. That greatness of dominions which hath a natural *capability* of systematic connection, by an actuating intercommunion which arises also from nature, can  
alone

alone be considered as that *natural greatness* which administers to *amplitude and growth* of states.

Although the three geographical separate parts of the world seem *naturally* to centre by the Mediterranean sea into a connected communion; and although when and while they were actuated by \* an effort of wisdom, as extensive in the branches, as in the communion, at the root, they were combined into a one dominion; yet that being an effort beyond the common holding strength, beyond the ordinary resources of human nature, the scale proved in the end too large for either the spirit or the arm of Man to extend to. It could not but prove to be, in the event, what it was in the moment of its exertion, a predominancy of artificial power against nature, and therefore temporary. The three parts of the old world, Europe, Asia, and Africa, seem to have a natural division in the natural site and circumstances of their territory. They are also inhabited and possessed by three different and distinct species

\* The policy of the Roman state.



species the of human being. They have, therefore, generally by the effect of principles of nature operating against the vigour of man, fallen, in dominion, into their natural division. North America and South America are, in like manner, at the *fond*, naturally divided into two distinct systems, and will, as naturally, divide into two distinct dominions. On the contrary, large as the scale of North or South America is, neither of these respectively, either in the natural scite and circumstances of territory, nor in the people who possess and cultivate them, are so divided. North America (I speak of the predominating inhabitancy) is possessed by the English nation. South America by the Spanish and Portuguese, which, in this argument, may be called one nation. These natural circumstances in country and people, form each of these divisions of the new world respectively, into a one great communion, the basis of a great and powerful dominion; stretching out its arms and branches over the whole land, as the fibres of the roots interweave into, and through, the various combinations  
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of natural objects, whence they draw their spirit of life.

There is no where in the European part of the old world such a greatness of interwoven and combined interest, communicating through such largeness of territory, as that in North America, possessed and actuated by the English nation. The northern and southern parts of Europe, are possessed by different nations, actuated by different spirits, and conducted under very different systems. Instead of actuating an intercommunion by an attractive, their intercourse is at perpetual variance under a repellant principle ; their communion also is obstructed by the difficulties of intercourse both over land, and through the seas ; they are moreover cut off, as it were in the middle, by other intervening nations, whose principles and system are alike repellant and obstructive of free communion.

On the contrary, when the scite and circumstances of the large extended territories of North America are examined ; one finds every thing united in it which forms greatness

ness of dominions, *amplitude and growth of state.*

The nature of the coast and of the winds upon that coast, is such as renders marine navigation, from one end of its extent to the other, a perpetually moving intercourse of communion: and the nature of the rivers which open (where marine navigation ends) an inland navigation which, with short interruptions, carries on a circulation throughout the whole, renders such inland navigation but a further process of that communion; all which becomes, as it were, a one vital principle of life, extended through a one organized being.

While the country, by the *capability* of this natural communion, becomes thus united at its root; its largeness of territory, expanded through such a variety of climates, produces, upon this communion, every thing that nature requires, that luxury loves to abound in; or that power can use, as an instrument of its activity. All those things which the different nations in Europe (under every difficulty that a defect of natural communion, under every obstruction

struction that an artificial and perverted system threw in their way) barter for in the Old World, are here in the New World possessed, under an uninterrupted natural communion, by an unobstructed navigation, under an universal freedom of commerce, by one nation. The naval stores, the timber, the hemp, the fisheries, the salted provisions of the North; the tobacco, rice, cotton, silk, indigo, finer fruits, and perhaps, in no very distant period, the wines, the resin and tar of the South, form the reciprocation of wants and supplies of each respectively. The bread corn, the flour, the produce of agriculture in every form of farming, and the several increasing articles of manufactures, which the middle colonies produce, not only fill up the communion, but compleat its system. They unite those parts which were before connected, and organize (as I have said) the several parts into a one whole.

Whether the islands, in those parts called the West Indies, are naturally parts of this North American Communion, is a question, in the detail of it, of curious speculation,

but of no doubt as to the fact. The European maritime powers, however, if they can adjust their respective interests in those parts; if they will form a balance of power there on those interests; if they can settle any system of reciprocal support of that balance; may certainly, by efforts of force, for some years, perhaps for an age longer, preserve the property and dominion of these islands. But if their quarrels amongst each other respecting North America, or the European shifting of the balance, make them obstinately deaf to their mutual interests in these parts, "The whole of the Spanish, Dutch, Danish, French, and British establishments, indissolubly bound in an union and communion of a one general composite interest with North America, and forming the natural connections under which their mutual interests subsist, must in the course of events become parts as of the *communion*, so of the great North American *dominion*, established on the basis of that union." Although no external symptoms of revolution in South America do at present make it any part of the subject which I offer to consideration,

consideration, yet it may not be amiss to inquire into those internal circumstances of its natural and political system, by which its Communion has amplified, and works to independency and the growth of state.

The continent of South America has still more amplitude of basis, in more variety of climates, than North America, and is much farther advanced to a natural independence of Europe, *as to its state of supply*, than the powers of Europe do see, or at least own; or than its own inhabitants, speaking of them generally, are themselves conscious of. This continent, not only from the great extent of latitudes under which it lies, but from the great variety of climates that it experiences under the same latitudes; from the abundance and variety of articles of supply which these different climates produce; from the regular, uniform, and active marine communion, by which a compleat reciprocation of mutual supplies is circulated from North to South, is also formed into one system of communion, the germ of a great independent dominion; that has taken

root, is every day striking deeper, and more expanded fibres; and is every day, by the vigour of natural vegetation (if I may so express myself) putting forth its extended branches, and is growing *occulto velut arbor ævo*, into the greatest amplitude of communion, and of dominion founded thereon, which this earth hath ever yet seen, China perhaps alone excepted. Agriculture in the elevated parts of this country, nearly the same as other the perfectly cultivated parts of the world actuate, has taken place, and is in progressive motion to the most varied and extensive operations. These parts afford not only abundance for home consumption, *but a surplus for exportation*. The articles of this export are wheat, flour, barley, wine, hemp, tallow, lard, sugar, cocoa, fruits, sweatmeats, pickles, naptha, oil, cotton, &c. This progress of agriculture hath, in the true course of nature, called forth, even from the hands of Indians, manufactures and trade, the roots which supply a most extensive circulation of commerce: Cordage, sailcloth of cotton, woollen and linen cloth, hats, leather, and particularly sole-leather,

leather, fance, instruments of husbandry, tools of mechanics, and, in short, every thing which the advancing cultivation of man's being calls for, from these articles.

As the markets, population, and culture of the several provinces of the kingdom of Chili (advancing with accelerated, tho' not great, velocity) shall mutually encrease each other. The produce of these higher latitudes and cooler climates will enter into the great system of intercommunion of supplies, and will compleat the western side of South America, possessed by one nation, into an object of as much greater magnitude, in activity, wealth, and power, than the English nation possesses in North America, as it is greater in the variety and extent of its internal communion. Besides which it will have an uninterrupted intercourse of East Indian commerce.

If any accident should happen to abate, or give a turn to, the caprices, luxury, and vanity of a rich people, who have nothing to do but to spend their money, there is not any one article which I can recollect, necessary to the most advanced state of life, which they



they have not, or may not have, within themselves. Look back and see if this state of the country is not so far forth *naturally* independent of Europe, as to all supply and support of its existence; I will here add, much more so than North America is. The communion in North America has not as yet gone into an *active state* of manufactures, nor will it for many years to come. And yet, on the other hand, although North America is not so independent of Europe in the matter of its supply and commerce, as South America is, yet being more so in the spirit of its people, in the oeconomy and advance of its political community, it has, with the forcing aid of the government of its metropolis, become the first fruit of those who slept, and has *only first* separated from the old world. South America is not yet in its natural course, ripe for falling off; nor is it likely, from the slow, official, cautious prudence of its metropolis, to be forced before its time and season to a premature revolt, as North America has been. As long as the Spanish monarch proceeds in administering the affairs and the government of  
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its American establishments with the temper, address and wisdom which it observes at present, an indolent, luxurious, superstitious people, not much, (though much more than the public in general suspects) accustomed to think of political arrangements, will continue in a certain degree of subjection to government, and in a certain degree of acquiescence to commercial restrictive regulations in their European intercourse, for the sake of a reciprocity of advantage, enjoyment, and protection, which they derive from it. Not being yet *hardened into a temper for enterprize by force of war*, they will continue to pay their taxes *as a peace-offering*. But the natives increasing in numbers, beyond any proportion of the number of Old Spaniards, which the metropolis can send either as civil governors and magistrates, or as soldiers; having the executive power of all the inferior magistracies in their own hands, by their own election of the magistrates; and having invariably, where their choice operates, a decided rule to choose those of their own body; they have, so far as that goes, all the power  
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of internal government in their own hands, in which the majesty of the sovereign power never interferes; and whatever sovereignty the Spanish monarch holds by the offices of his viceroys, of his judges, of his audiencies, his clergy, or his army, however majestic they may look, or however it may appear to individuals, and, in particular exertions, carry terror: it is a mere tenure at good-will. A great country like this, where the community has so far advanced in agriculture, manufactures, arts, and commerce, wherein there is such amplitude and growth of state, is every day growing too large for any government in Europe to manage by authority, at the distance of four or five thousand miles. And as to the idea of power by force, I will use Mr. Bacon, the Lord Verulam's explanation of it; "There be, (saith he) two  
 "manners of securing of large territories;  
 "the one by the natural arms of every province; and the other by the protecting  
 "arms of the principal estates; in which  
 "latter case, commonly the provincials are held disarmed. So are there two dangers  
 "incident unto every estate, foreign invasion,

" sion, and inward rebellion. Now, such  
 " is the nature of things, that these two re-  
 " medies of state do fall respectively into  
 " these two dangers, *in case of remote pro-*  
 " *vinces*: For if such a state rest upon the  
 " natural arms of the provinces, it is sure to  
 " be subject to rebellion or revolt; if upon  
 " protecting arms, it is sure to be weak  
 " against invasion." And I will venture to  
 add, weak and *inferior to the internal power*  
 of the province, which must of course pre-  
 dominate. The Spanish government knows,  
 that they, as well as the English, found  
 themselves under the necessity of repealing  
 an arrangement of revenue which they had  
 made; because they felt that they *could not*  
*carry it into execution by authority,* and they  
 so rightly understood their strength, as to  
 know that it was *not safe to urge it by force.*  
 It is also very well known, that the disputes  
 between the Spanish and Portuguese courts,  
 about the boundaries of the Brazils and the  
 Spanish provinces, arose from their not being  
 able jointly to carry into effect a pacification  
 on the case, because there are Powers in  
 those countries, who would not be bound  
 by the decisions of a government, whose  
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laws are of no authority with them, when opposed to their system. The powers I mean, are the governing authority of the missions at Paraguay. This is exactly and precisely the state of the case between the metropolitan government of Spain and its provincial establishments in South America. I could, by a detailed description of the nature of the country ; of the application of the labour of the inhabitants to its *capabilities* ; of the state of the community as it lies in nature, and as it is actuated ; all compared with the constitution and administration of the government which is established there ; with the spirit of the people, both Old Spaniards, Creoles, and Indians, show that South America is growing too much for Spain to manage ; that it is *in power*, to be independant, and will be so *in act*, whenever, and as soon as any occasion shall call forth that power. Whenever such revolt takes place, it will not be after the manner or in the form of that of North America. North America building on the foundation of its dominion as it lies in nature, has become a Democratick or Aristocratick Republick. The falling off of South America will be conducted,

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in its *natural* progress, by the spirit of some injured enterprizing Genius, taking the lead of a sense of alienation and of a disposition of revolt, to the establishment of a great Monarchy. But all this is beside the scope of this memorial, and would become of itself a long memoir. I shall proceed therefore to consider only those operations which are in event, the *amplitude and growth of state* in North America, so far as the states and whole political system of Europe may be affected by it, or concerned in it. I have stated this *natural* greatness, as it is founded in an union of a communion. The civilizing activity of the human race, is what forms the growth of state.

To balance the *comparative progress of the growth of this state* with those of Europe, so as to obtain any just idea of a subject, even yet so little understood, it will be necessary to take a view of this *civilizing activity*, in the sources whence it derived upon the old world; in the line its progress took, and in the defective establishments to which, even in this enlightened age, it is but yet arrived: and, to compare that with the progress and extended scope of a very different civilizing

activity, operating with rapid and accelerated motion in the new world.

When the spirit of civilization began first in Europe, to emerge from that chaos of barbarism and ignorance, which the Northern invaders, like an overwhelming deluge, had spread over the face of it; the clergy sent from Rome, as missionaries amongst savages, were the blind leaders to light; and the selfish feudal Lords, the patrons of liberal emancipation. Under such auspices, what light, what liberty, what civilization! The instruction of the first, derived through a perverted channel of learning, from a corrupted source of knowledge, which being directed not to inform, but to subdue the mind, was more pernicious than the darkness of ignorance, than the aberrations of barbarism\*. The kind patronage of the latter, was the benevolence of a grazier, who feeds and fattens his cattle, in order to profit the more of their fleeces, hides, and carcase. The instruc-

\* Si ad fructum nostrum referemus, non ad illius commoda, quem diligimus. Prata & Arva & pecudum greges diliguntur isto modo, quod fractus ex us capiuntur. Cicero de Nat. de. Lib. 1. p. 44.

tion of those teachers was the dictates of authority imposed upon mere cataceumens, *homines deditiis*. Their learning was didactic, not as that of the new philosophy and new world is, inductive: their knowledge was a mere passive impression of maxims and principles, which, though neither explained nor reasoned upon, being reiterated, became opinions, formed into system, established in inveterate habit. The people held, did not possess, their knowledge, as they did their lands, by a *servile tenure*, which did not permit them to use or improve it as their own. They were fettered by authority, led astray by example, and under a selfish self-obstructing system, wasted every power of activity in unavailing labour: such was the *source* of civilization in Europe.

In order to view the two lines of its *progress* in Europe and in America, it may be proper to mark and draw, as far as may be done, a third line, to which both have reference in the comparison, the right line. In the natural progress of this civilizing activity, the first movement is, the application of labour to the culture of the earth, so as

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to raise by a cultivated, production of its fruits, that supply of food which is necessary to the human being in society. That labour which builds habitations, provides rayment, and makes tools and instruments, which the human hand wants the aid of, is concomitant with this. The market traffic, by which the reciprocation of wants and surplusses of various articles in various hands, may be wrought into a communion of general supply, succeeds to these. Individuals being thus assured of their supply, by an assurance of the exchange of the surplus, which each is able to create in his own peculiar line of labour, will soon improve the craft of their hand, and refine the ingenuity of their designs. Hence, by a further advanced step, arise, what are properly called, artificers and manufacturers. In this state of the progress of the community, a general surplus, not only beyond what individuals, but beyond what the wants of the community require, is created: and this general surplus, as it may be exchanged for foreign articles of comfort and enjoyment, which the locality and climate of that particular

ticular community does not produce, extends and opens a course to commercial activity, which is the next stage in this progress.

With a reference to this line, view now the civilizing activity of the new and of the old world, each in its source and progress.

By the violence of the military spirit, under which Europe was a second time peopled, the inhabitants were divided into two classes, those of warriors and slaves, and the individuals (each man under their own class) were as of different degrees so, of different denominations.

The culture of the earth was conducted by this latter class, wretches annexed to, but not owners of the soil; degraded animals that were, as the cattle of the field, property, not proprietors. They had no interest in their own persons, none in their own labour, none in the produce, either of the earth or of their labour. If they had been inspired (for they were not taught) with knowledge, they could have no one motive to make one effort of improvement. Moreover, even those who were in some degree

degree emancipated, that is, those to whom their kind Lords had lett leases of their ownelves, were so depressed by various tolls, taillages, and taxes; by being liable to military impresses; and to the civil drudgery, which took them from their own proper work, and employed them in that of these Lords and sovereigns; which wore and tore their cattle and carriages and implements of husbandry; were, I say, so depressed, that the very best spirit of them could aim at nothing in the interval but bare sustenance and rest: if yet this unsubdued spirit, working, under such burthens, with unabated perseverance or ingenuity, ever did by the remnant of their exertions raise a surplus in grain or cattle: This miserable race of men were precluded all vent and market except such, wherein their Lords were to absorb the chief profits, even of such surplus also. The consequence therefore was, that they never did *by intention* raise such surplus; accidents of extraordinary seasons, or some of the hidden secrets of vegetation, would now and then produce such a surplus; but more frequent accidents

accidents of the same kind did occasion a deficiency and dearth. The police of these great Lords never suffered the homely wisdom of this little adage to enter into their reasoning, "*That he who would have a competency, should provide enough and a little more.*"

The progress therefore of improvement in agriculture was arrested, and became for many hundred years stationary. Although in some countries of Europe it may seem at present to be progressive; yet is the progression so little and so Low that it can give no momentum, for ages to come, to amplitude and growth of state, England perhaps excepted. But the farmer in England also is, equally as absurdly as cruelly, oppressed and kept down.

The work of man employed on wood, iron, stone, or leather, were held as parts of the base and servile offices of society; and fit only for the bondsmen and slaves, to whom such were committed. These artificers or handicraftsmen therefore were mere machines in the hands of the most arrogant as well as the most ignorant of masters.

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They could not venture to make experiments, or alter the adopted and accustomed mode of work : they would have no merit, nor receive either reward or private profit from their success, and they risked every thing in the failure ; so these branches of mechanicks and art went on for ages in the old beaten track of the same unimproved clumsiness.

When upon the breaking up of the Hanseatic League and other shiftings of commerce, the Sovereigns, who had long with envy seen, but never understood, the profit and power which arose from manufactures brought forward into trade, began to encourage their own subjects, and to invite foreign ones to establish manufactures within their respective states ; and, with what they thought profound policy, to conduct the commerce of such ; civilization then took in this line of improvement a momentary start of progression. But the wretched condition under which this profound and jealous policy held the persons of these manufactures, the many depressing, obstructing, impracticable regulations, by which it restrained  
their

their labour, soon gave a retrograde motion to these efforts. The same policy, however affecting to give encouragement to these manufactures, which it had forced into operation before and faster than the country was ripe for them, not out of its own purse, but from the sweat and sustenance of the landworker, gave the manufacturers a false help, by setting various assizes on the produce of the land, and by various market regulations, which still further oppressed agriculture. But all this was false and hollow, for, added to all the depressions of mind and obstructions of body which these poor manufacturers suffered, there was yet an adventitious heart-breaking cruelty, to which even merit was peculiarly exposed. If ever ingenuity of mind, or an excelling habit in the hand of any of these artificers or manufacturers, invented something new or operated to some improvement in the old line of work ; The same jealous tyrannous police, instead of rewarding them, or suffering them to seek their own reward, considered them, not as meritorious authors of good and benefit to the community, but as

profitable instruments to feed their private avarice; and instantly guarded them as state prisoners. The poor ingenious Artist found himself reduced to a state worse than slavery, for the ingratitude of such governments embittered even oppression. The consequence was, that all further improvements, here also, were arrested in their course. As though all this was not yet sufficient to keep down all spirit in the arts, and all progress of improvement, this system of police made regulations to be observed and taxes to be paid on every movement of the manufactures after they were made; on their coming from under the hand of the workman; on the carriage; on the exposing to sale; on the sale; and on the return, whether in goods or money. This police, instead of suffering the surplus profit to circulate freely through the community, where it would become a growing source of accretion and fructuation to that community, was intirely directed to absorb the whole, beyond the labourer's hard sustenance, into the treasury of the state. The idea which they entertained of the utmost perfection of the commercial

mercial system, was, that the subject should sell but not buy; that the merchants might export the articles of their work, but must import money: and that the state must have the greatest share of it. The whole scope and effort of all their commercial legislation, was pointed to arrive as near as possible to this imagined perfection. Under these ideas, and under the authority of maxims, grown inveterate, they took up the idea of commercial police, and adding the mystery of politicks to the mystery of trade, began to legislate for commerce. Hence arose the attempts to set up exclusive property in certain materials of manufacture and trade, which they called staple commodities: hence incommunicative monopolies in every shape that the ingenuity of ignorance could invent to mock the industry of its country with: hence exclusive privileges of trade to certain persons in certain articles and in certain places: hence exclusive fisheries: hence all that nonsense, both in theory and practice, in which commercial politicians have taken so much pains to deceive themselves, about a chimera, called  
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the balance of trade ; hence all the cunning follies, which rendered their markets almost impracticable to each other ; and hence, to double and redouble the mischief, the whole train of retaliations. Hence restraints on exportation, prohibitions against importation, alien duties, high imposts, and a thousand other embarrassing follies, of which there is no end or use. Having thus, in their struggles for profit, deranged all the order of prices ; having set out with a false balance of reckoning ; having by reciprocal retaliation, rendered the free course and fair competition of commerce, well nigh impracticable amongst themselves, they were forced to look out for settlements amidst some yet uncivilized or uncommercial people, where they might exercise this unequal spirit of exorbitant gain : hence also treaties of commerce, on unequal conditions of traffic, with those of their neighbours, whom they could keep down depressed by ascendant power : and hence, finally, the grand and favourite measure of establishing colonies in distant uncultivated regions, which, as out-farms of peculiar production, might be worked for

for the sole exclusive benefit of the metropolis : hence also that wildest of all the wild visions of avarice, inspiring ambition, the attempt to render the common ocean an object of enclosed, defined, exclusive property, and to claim a possession in, and dominion over it. Thus, through want of reference to the light of nature, from not seeing and treating things as what they were ; from a total inversion of the natural order of progress in the human community ; the culture of the natural powers of the land ; the improvement of the natural powers of man, to the end of advancing the community ; the order and establishments, or rather the liberty, whereby a civilizing activity might operate to the amplitude and growth of states, were all depressed or arrested in their progress. The very spirit of improvement was buried under oppression, and all the light of genius extinguished. Those who presumed to reason, being such as were at the head of the received knowledge, such as had the lead of the received opinions, and conducted the policy of the established systems, considered the subject as a matter fully explored, and

as founded in the surest and most decided wisdom. Their ascendant authority, whether they spoke as politicians, or philosophers believing what they taught, did equally lay a dead hand on all examination, did extinguish all attempts of alteration to improvement. Moulded by habits, almost mechanical, to think and act in the line of these established systems, efforts of reasoning did but the more entangle them, in delusive means taken, and ineffectual ends proposed. They did but strive against themselves, to save the credit of ignorance, and to satisfy themselves in the poverty of their knowledge. Instead of following nature to those truths on which profitable labour, progressive civilization, population, opulence, strength, and the real interest of their country might be established, their best wit was employed only to vary old irreversible maxims, and to give new forms to old established systems, or at best by new regulations, to relieve the interests of the subject, who could no longer go on, or endure, under the old ones. But as the credit and authority of the system is yet to be kept up, the ingenuity and wit of those

those, who pay their court to Power, is still employed in finding out new and striking reasons for old maxims, or inventing fictions and cases for reconciling old establishments, to new modes of acting in them, which fact, truth, and irresistible necessity, have introduced in practice. If any genius ever dare to break this spiritual subordination, and to pursue, either in speculation or practice, any new course to truth or action; all those who lead the opinions of this settled world, must either affect to condemn him as a silly visionary foolish, inexperienced adventurer, or crush him as a presumptuous, turbulent, dangerous disturber of the State.

This is the state of the spirit of civilizing activity, as it hath long dragged on a feverish being in Europe, in the old world. Some time or other (and perhaps soon) events may arise, which shall induce the Governors and leaders of that corner of the world to revise, to consider, and perhaps to reform the hard conditions of the imprisonment of this civilizing activity, and to give it liberty, free as its native essence.

In

In the mean while we will turn our eyes westward.

In this new world we see all the inhabitants not only free, but allowing an universal naturalization to all who wish to be so; and an uncontrouled liberty of using any mode of life they choose, or any means of getting a livelihood that their talents lead them to. Free of all restraints, which take the property of themselves out of their own hands, their souls are their own, and their reason; they are their own masters, and they act; their labour is employed on their own property, and what they produce is their own. In a country like this, where every man has the full and free exertion of his powers, where every man may acquire any share of the good things thereof, or of interest and power which his spirit can work him up to; there, an unabated application of the powers of individuals, and a perpetual struggle of their spirits, sharpens their wits, and gives constant training to the mind. The acquirement of information in things and business, which becomes ne-

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cessary to this mode of life, gives the mind, thus sharpened, and thus exercised, a turn of inquiry and investigation which forms a *character peculiar to these people*, which is not to be met with, nor ever did exist in any other to the same degree, unless in some of the ancient republics, where the people were under the same predicament. This turn of character, which, in the ordinary occurrences of life, is called *inquisitiveness*, and which, when exerted about trifles, goes even to a degree of ridicule in many instances ; is yet, in matters of business and commerce, a most useful and efficient talent. Whoever knows these people, and has viewed them in this light, will consider them as *animated in this new world*. (if I may so express myself) *with the spirit of the new philosophy*. Their system of life is a course of experiments ; and, standing on that high ground of improvement, up to which the most enlightened parts of Europe have advanced, like eaglets they commence the first efforts of their pinions from a towering advantage.



Nothing in the old world is less regarded than a poor man's wisdom ; and yet a rich man's wisdom is generally nought but the impression of what others teach him : On the other hand, the poor man's wisdom is not learning, but knowledge of his own acquiring and picking up, and founded upon fact and nature by simple experience. In America, the wisdom and not the man is attended to ; and *America is peculiarly a poor man's country*. Every thing in this wilderness or woods being totally different from an old world, almost worn out ; and every person here far removed from the habits, example, and perversion, or obstruction, of those who assume the power of directing them : the settler's reason, not from what they they hear, but from what they see and feel. They move not but as Nature calls forth their activity, nor fix a step but where use marks the ground, and take the direction of their courses by that line only, where Truth and Nature lead hand in hand. They find themselves at liberty to follow what mode they like ; they feel that they can venture  
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to try experiments, and that the advantages of their discoveries are their own. They, therefore, try what the soil claims, what the climate permits, and what both will produce and sustain to the greatest advantage. Advancing in this line of labour *by such a spirit of induction*, they have brought forward into culture an abundant produce, more than any other nation of the old world ever did or could. They raise not only abundance and luxurious plenty to their internal supply, but the islands of the West Indies have derived great part of their supply from the superabundance: even Europe itself hath, in many articles of its supply, profitted of the produce of this new world. It has had its fish from their seas; its wheat and flour from one part; its rice from another; its tobacco and indigo from another; its timber and naval stores from another: olives, oranges, wines, and various other articles of the more luxurious produce, having by experience been found to thrive, *are in experimental culture*.

If you view this civilizing spirit in its first simple movements, you will see it as  
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in its first infancy, so attaching itself to the bosom of the common mother Earth, as the infant hangs upon the breast of its natural mother. The inhabitants, where nothing particular diverts their course, *are all landworkers*. Here one sees them labouring after the plough, or with the spade and hough, as though they had not an idea beyond the ground they dwell upon; yet is their mind, all the while, enlarging all its powers, and their spirit rises as their improvements advance. \* He, who has observed this progress of this new-world, will know that this is true, and will have seen many a real philosopher, a politician, or a warrior, emerge out of this wilderness, as the seed rises out of the ground, where it hath lain buried for its season.

As in its agriculture, so in those mechanick handicrafts, which are necessary to, and concomitant with that, the new world hath been led to many improvements of implements, tools, and machines: a deficiency of many of these, an inaptitude  
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\* I hope no one will so misunderstand this, as to take it for a fancy-drawing of what may be; it is a lineal and exact portrait of what actually exists.

Editor.

in many of those, which they are able to get, has put these settlers, many times to their shifts; and these shifts are experiments. The particular use which calls for some succedaneum, or for some further alteration, leading experience by the hand to improvement, hath opened many a new invention. While this spirit of thus analysing the mechanic powers, with the sole and simple view to effect (instead of plodding on with a mere mechanical habit, of old implements, tools, and machines, generally clumsy, and oftentimes inapplicable) hath established *a kind of instauration of science* in that branch; more new tools, implements, and machines; or rather more new forms of such have been thus invented in this new world, than were ever yet invented in the old, within the like extent of country in the like space of time. Many instances of this fact might be here specified in the higher, as well as in the common, diurnal mechanics.

This new world hath not yet turned its labour into the *active* channel of arts and manufactures; because by employing that labour

labour in its own natural way, it can produce those things which purchase such articles of arts and manufactures, cheaper than a country not yet ripe for those employments, could make them. But although it doth not manufacture *for sale*, the settlers find intervals and *fragments of time*, which they can spare from agriculture, and which they cannot otherwise employ, in which they make most of the articles of personal wear and household use, *for home consumption*. When the field of agriculture shall be filled with husbandmen, and the classes of handicrafts fully stocked; as there are here no laws that frame conditions on which a man is to become entitled to exercise this or that trade, or by which he is excluded from exercising the one or the other, in this or that place; as there are here no laws that prescribe the manner in which, and the prices at which, he is to work, or that lock him up in that trade which it has been his misfortune to have attached himself to; although while he is starving in that, he could, in some other line of business which his circumstances

stances point out, and his talents lead him to be useful to the public, and maintain himself; as there are none of those oppressing, obstructing, dead-doing laws here: the moment that the progress of civilization, carried thus on in its natural course, is ripe for it; the branch of manufactures will take its shoot, and will grow and increase with an astonishing exuberancy.

Although the civilizing activity of America does not, by artificial and false helps, contrary to the natural course of things, inconsistent with, and checking the first applications of, its natural labour, and before the community is ripe for such endeavour, attempt to force the establishment of manufactures: yet following, as Use and Experience lead, the natural progress of improvement, it is every year producing a surplus profit; which surplus, as it enters again into the circulation of productive employment, creates an accumulating accelerated progressive series of surpluses. *With these accumulated surpluses* of the produce of the earth and seas, *and not with manufactures*, the Americans carry on their com-

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*mercial* exertions. Their fish, wheat, flour, rice, tobacco, indigo, live stock, barrel pork and beef (some of these articles being peculiar to the country and staple commodities) form the exports of their commerce. This has given them a direct trade to Europe; and, with some additional articles, a circuitous trade to Africa and the West Indies.

The same ingenuity of mechanic handicraft, which arises concomitant with agriculture, doth here also rise concomitant with commerce, and is exerted in SHIP-BUILDING: it is carried on, *not* only to serve all the purposes of their own carriage, and that of the West Indies in part, but to an extent of sale, so as to supply great part of the shipping of Britain; and further, if it continues to advance with the same progress, it will supply great part of the trade of Europe also with shipping, at cheaper rates than they can any where, or by any means, supply themselves.

Thus their commerce, although subsisting (while they were subordinate provinces) under various restrictions, by its advancing

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progress in *ship-building*, hath been striking deep root, and is now shot forth an *active commerce*, growing into *amplitude of state* and great power.

Stating the ground on which an objection is made to this description of the improving commerce of America, will open to view another extraordinary source of *amplitude and growth of state*. It will be said, that the fact of the balance of trade, being at all times, and in every channel, finally against America, so as to draw all the gold and silver it can collect from it, is but a damning circumstance of its progressive advance in commerce and opulence. In the first place, is it not a fact, that America (even while partitioned out into depressed and restrained provinces) has carried on all its advanced culture in a progress to great opulence ; and has it not been constantly extending the channels of its trade, and encreasing its shipping ? There is not a more fallacious and misguiding maxim (although it has been adopted in practice, and even by commercial nations) than that of judging of the general balance



of profit in commerce, by the movements of that one article of it, *the precious metals*. This *metallic money*, as the traffic of the world is generally conducted, is an article as necessary to go to market for, as any other article whatsoever. In the general circulation of trade, it will always, as any other article of commerce doth, go to that country which pays the most for it. Now that country which, on any sudden or great emergency, wants money, and knows not how to circulate any other money than the metallic, must pay the most for it. Considered under this idea, the influx of this article into a country, instead of being the symptom, or consequence, of the balance of trade being in favour of that country; or the efflux being the mark of the like balance, being against it, may be a fact in proof of the contrary. The balance of trade, reckoned by the import or export of gold and silver, may, in many cases, be said to be against England, and in favour of those countries to which its money goes. If this import or export was really the effect of a final settled account, instead of being,

as is generally the case, only the carrying and deducting of this article to or from some open current account, having further reference; yet would it not be a mark of the balance of trade. England, from the nature of its government and the extensiveness of its commerce, has established a credit, on which, on any emergency, it can give circulation to paper money almost to any amount. If it could not, it must, at any rate, purchase gold and silver, and there would be a great influx of the precious metals. Will any one here say, that this state of its circumstances is a mark of the balance of trade being in its favour: but, on the contrary, having credit from a progressive balance of profit, it can, in such an emergency, spare its gold and silver, and even make a profit of it as an article of commerce exported. Here we see the balance of profit creating a credit, which circulates as money, even while its gold and silver are exported. If any particular event, as for instance, the late one of the recoinage of the gold in England, which called in the old coin at a price better than  
that

that at which it was circulating abroad, should raise the price of this article in England, it will, for the same reason as it went out, be again imported into England; not coming as the balance of their accounts, but as the article of trade, of which the best profit could at that moment be made. The fact was, that at that period, quantities of English gold coin, to a great amount, were actually imported into England in bulk; and yet this was no mark of any sudden change of a balance of trade in favour of that country.

The balance of trade, reckoned by this fallacious rule, has been always said to be against North America also: but the fact is, that the government of that country, profiting of a *credit arising from the progressive improvements, and advancing commerce of it* (which all the world sees, or it would be no credit) hath, by a refined policy established a circulation of paper-money to an amount that is astonishing; that from the immense quantity it should depreciate, is nothing to this argument; *for*

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*it has had its effect.* The \* Americans, therefore, as well as England, can spare their gold and silver, can do without it. The efflux, therefore, of the precious metals, is no proof of its being a balance against them. On the contrary, they being able to go on without gold and silver, but wanting other articles, without which they could not go on, neither in the progression of their improvements, in the advance of their commerce, nor in the conduct of their war matters; the metallic money is in part hoarded, and in part goes out, and those articles of more use to them are imported. Does it not then turn out to be a fact, that this objection, which is always given as an † instance of weakness in America, under which she must sink, turns out, in the true state of it, an instance of the *most extensive amplitude and growth*

\* My information says, that there is now locked up in America more than *Three Millions*, English money, in gold and silver species, which when their Paper is annihilated will come forth.

Editor.

† Would it not be well for England, if while she triumphs over this mote in her sister's eye, she would attend to the beam in her own, and prepare for the consequences of her own Paper Money!

Editor.

*growth of state*, which would not have been considered, or even seen, had the objection not been made.

I will here, therefore, from this comparison of the spirit of civilizing activity in the old and in the new world, as one sees it in its application to agriculture, handicrafts, and mechanics, and finally in an active commerce, spatiating on an amplitude of base, the natural communion of a great country, and rising in a natural progression, venture to assert, that in this point, NORTH AMERICA HAS ADVANCED, AND IS EVERY DAY ADVANCING, TO GROWTH OF STATE, WITH A STEADY AND CONTINUALLY ACCELERATING MOTION, OF WHICH THERE HAS NEVER YET BEEN ANY EXAMPLE IN EUROPE.

But farther; when one looks to the progressive POPULATION which this fostering happiness doth, of course, produce, one cannot but see, in North America, that God's first blessing, "*Be fruitful and multiply; replenish the earth and subdue it,*" hath operated in full manifestation of his will. In Europe, on the contrary, where a wretched, selfish, self-obstructing policy, hath

hath rendered barren, not only fruitful countries, but even the womb itself; one may say, in melancholly truth, that the first curse, "I will greatly multiply thy sorrow in procreation; in sorrow shalt thou bring forth children," seems to have been executed in judgment. That wretched state of the country and people, which hath rendered fruitfulness a matter of sorrow, and children a burthen, hath arrested the progress of population. The apprehensions of having a family to support when the poor parents know not where or how to provide a home and sustenance; the dread of bringing into the world (objects so dear to all parents) who are to be born in a state not much better than slavery, hath falsified the very idea of marriage, the fruits of which are to be brought forth in sorrow. \* In North America children are a blessing, are riches and strength to the parents; and happy is every man that bath his quiver full of them. As the nature

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\* Magnum quidam est incitamentum, tolerare liberos in spem alimentorum, majus tamen in spem libertatis, in spem securitatis.

and causes of this amazing population hath been so fully discussed, and with decided demonstration, explained in "*Observations concerning the increase of mankind, the peopling of countries, &c.*" I shall refer those who think it necessary to pursue this point of the comparison further, to that little treatise; and shall proceed here to confirm it by examples of the actual encrease stated in authentic facts.

The province of *Massachusetts's Bay* had inhabitants in the year

1722-----94,000

1742-----164,000

\* 1751-----164,484

1761-----216,000

1765-----255,500

1771-----292,000

1773-----300,000

In the colony of CONNECTICUT the inhabitants, at the beginning of last war, and of the present, stood

1756-----129,994

1774-----257,356

Observe here, that the numbers, by which these

\* N. B. A great depopulation, by the small-pox and war,

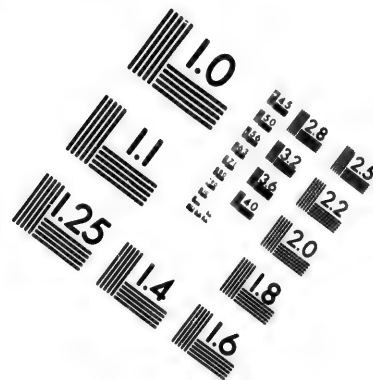
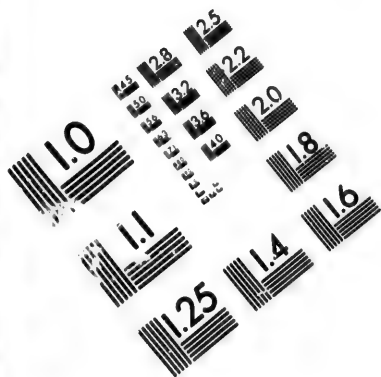
these people have thus encreased, are not aided by any accretion of strangers ; but, on the contrary, they appear less than they would actually be, if all those people whom the colony lost in the course of last war, and all those who, in very great numbers, emigrated to the westward since the war, could have been added ; as it is, they have encreased nearly the double in eighteen years. As it may be a matter of curiosity, and not irrelevant to the argument, I will here insert a particular instance of fecundity in a family in Connecticut. Mary Loomis (or Loomax) born at Windsor in Connecticut - - - - - 1680  
 Married John Buel of Lebanon in do. 1696  
 Died at Litchfield in do. - - - 1768

Descendants living at her death :

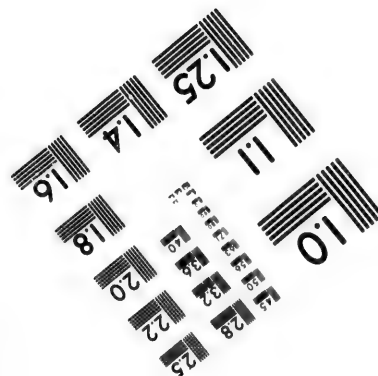
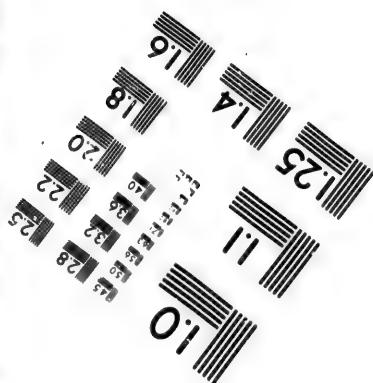
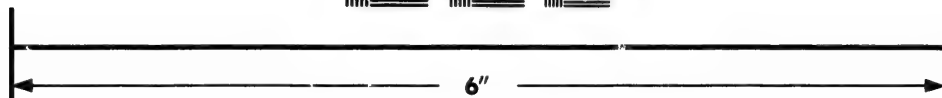
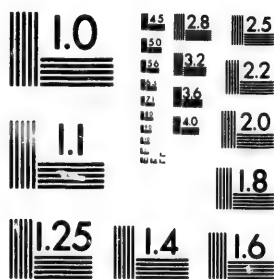
| Child.             | Gr. Child.               | G. Gr. Child. | Fourth Gen. |
|--------------------|--------------------------|---------------|-------------|
| 10                 | 75                       | 233           | 19          |
| Died bef. her      |                          |               |             |
| 3                  | 26                       | 42            | 3           |
| <hr/>              | <hr/>                    | <hr/>         | <hr/>       |
| 13                 | 101                      | 274           | 22          |
| Tot. descendants   | { Alive at her death 336 |               |             |
|                    | { Died before her 74     |               |             |
| Tot. encrease born | - - - 410                |               |             |





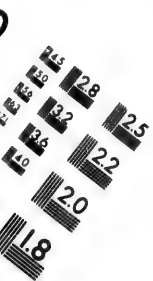


# IMAGE EVALUATION TEST TARGET (MT-3)



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**The Province NEW YORK.**

1756-----96,776

1771-----168,007

1774-----182,251.

**The Dominions of VIRGINIA.**

1756-----173,316

1764-----200,000

1774-----300,000

**The Province of SOUTH CAROLINA.**

1750-----64,000

1770--- \* 115,000

**The Colony of RHODE ISLAND.**

1730-----15,302

1748-9-----28,439.

As there never was a regulated general militia in PENNSYLVANIA, which could enable those, whose business it was, to get accounts of the increase of population in that province, founded on authentic lists, it hath been variously estimated on speculation. Although there was a continued import

\* This is supposed to be below the actual number, the great increase of population being, in the back countries, not then included in the regulations of the policy. [Editor.

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import for many years of Irish and Foreign emigrants into Philadelphia (of which I have the numbers) yet, informed as I am, that many of these passed through the province, and settled either directly, or as soon as their indented service expired, in other provinces, I think the progress of population may be reckoned here also by the ordinary course of procreation, as in other provinces and colonies; and by collating different estimates, I think I may venture to say, that its population, when I was in the country, advanced in a ratio between that of Massachusetts-bay and Virginia. The city of PHILADELPHIA, indeed, from circumstances of trade, advanced with a more rapid motion, of which fact the following is a statement in proof.

|                              |           |
|------------------------------|-----------|
| PHILADELPHIA had in the year | houses    |
| Inhabitants on estimate {    | 1749 2076 |
| from 16,000 to 18,000 {      | 1753 2300 |
| 31,318 to 35,000 {           | 1760 2969 |
|                              | 1769 4474 |

To speak of the population of the country in general; there were at the beginning of the war, 1754 and 5, various calculations and estimates

mates made of the numbers of the people on the continent. Those who were sanguine, and thought they could correct the materials from which the estimate was to be made, fancied they were justified in making the amount of the numbers of the people *one million and a half*. Those who did not admit so much speculation into the calculation, but adhered closer to the facts of the lists as they were made out, could not state the amount at more than one million two hundred and fifty thousand.

The estimate of the numbers of the people, said to have been taken by Congress in September, 1774. makes them 3,026,678; but when I see how that account, from which the estimate is made, differs, in many particular articles, from what I have ventured to state as authentic returns, I am convinced that there must have been great scope of speculation taken and allowed in that estimate. I have seen another estimate which makes the number, at a later period, after two or three years of war, 2,810,000. In what I am going to advance, I am myself rather reasoning

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reasoning upon estimate than authentic fact, for I have not seen the returns of *all* the provinces; yet from what I have now seen, compared with what I have known formerly, I do verily believe, and therefore venture to say, that 2,141,307 would turn out the number nearest to the real amount in the year 1774. But what an amazing progress of population is it, which, in eighteen or nineteen years, has added near a million of people to a million two hundred and fifty thousand, although a war was maintained in that country for seven years of that period.

In this view, one sees again the amplitude of the community unfolding its progressive increase and growth of State, beyond any example that any of the Powers of Europe can bring into comparison in the account.

But more; these numbers are not a mere multitude of dwellers, *fruges consumere nati*. The frame and model of these communities, which hath, from the first establishment of them, always taken place, (Pennsylvania excepted) is such as hath enrolled

enrolled every common subject, by the poll, to be a soldier; and, by rotation of duty, has *trained*, to a certain degree, a quarter part, or about 535,326 *of these people to the actual use of arms*, so that the country has this number not separate from the civil community, and formed into a distinct body of regular soldiers, but remaining united to the internal power of the community, as it were, *the national picquet guard*, always prepared for defence. I am aware, that even these numbers, being the numbers of a mere militia, will appear contemptible to the regular Captains and Generals of Europe; yet, experience in fact hath always evinced that, for that very reason, that they are not a separate body, but members of the body of the community, they became *a real and effective national defence*, have toes that are roots, and arms which will bring forth the fruits of external protection, with internal security and peace. This establishment is an organized part of the body, and can be maintained at all times, and even in time of service, at little more expence than the



the ordinary vital circulation requires. The real greatness and strength of the State arises from and consists in this \* " that every common subject, by the poll, is fit to make a soldier, and not certain conditions and degrees of men only." I cannot close this part of my reasoning better than in the sentiment in which the same great Statesman and Philosopher gives his opinion on the matter, " The true greatness of the State consisteth essentially in population of breed of men, and where there is valour in the individuals, and a military disposition in the frame of the community; where all, and not particular conditions and degrees only, make profession of arms, and bear them in their country's defence."

Great as this amplitude of the community may be at its base; far advanced as it may be in the progress of its civilizing activity; established in interest and power as it may be by an active commerce; and securely fortified as it may seem in the union of its military spirit; yet all this, without the soul of Government, would prove but

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\* Ld. Verulam.

a phantom. So far as the vitality of Government can animate the organized being, and so far as the spirit of Government can actuate the will of the whole, so far, and no farther, can the amplitude and growth of the State extend.

If the dominions of an Empire be extended, while, by reason of a narrowness or weakness in the vital spring of Government, the spirit of Government cannot so extend, as to give vital union to its distant parts, or, by an union of will, to actuate the *consensus obedientium* in those remote parts, the extension of the dominions works not to amplitude and growth, but to the dissolution of State. Such Government will call those remote parts, external provinces; and because it hath not the virtue or the vigour to so extend the spirit of Government to them, as that, while they obey the will, they feel themselves vitally united to it, it will assume the tone of Force. But as the natural internal force will not act against itself, that is not the force which Government in such case can use; Government, brought into such an  
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unhappy case, must attempt therefore to act by external, unnatural force sent from without. But, alas! any force that (even with violent temporary exertions) it can send to these extremities (without draining itself at heart) will bear no comparison with the natural internal force of those provinces, and can have no effect but that of alienation and dissolution. When such a case exists, the dominions of an Empire, which were not too great for a right spirit of Government, but which, actuated by that spirit, was in a continual progression to amplitude and growth of State, are soon found too great for the false and unnatural spirit of Force. Let us here view this world (by the fatality here described) now separated and fallen off from that vital union by which it was once an organized member of the English Empire: let us view it *as it now is*, AN INDEPENDENT STATE *that hath taken its equal station amidst the nations of the earth*; as an Empire, the spirit of whose government extends from the centre to its extreme parts, exactly in proportion as the will of those parts doth reciprocally unite

in that center. Here we shall find (as hath always been found) "That universal participation of council creates reciprocation of universal obedience. The seat of government will be well informed of the state and condition of the remote and extreme parts; and the remote and extreme parts, by participation in the legislature, will from self-consciousness, be informed and satisfied in the reasons and necessity of the measures of government. These parts will consider themselves as acting in every grant that is made, and in every tax which is imposed. This consideration alone will give efficacy to government, and will create that *consensus obedientium*, on which only the permanent power of the empire of a state can be founded: this will give extension and stability of empire as far as it can extend its dominions."

*This might have been, indeed, the spirit of the British Empire, America being a part of it; This is the spirit of the government of the new Empire of America, Great Britain being no part of it. It is a Vitality, liable, indeed, to many disorders,*  
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many dangerous diseases ; but it is young and strong, and will struggle, by the vigour of internal healing principles of life, against those evils, and surmount them ; like the infant Hercules, it will strangle these serpents in its cradle. Its strength will grow with its years, and it will establish its constitution, and perfect adulthood in growth of state.

To this greatness of empire it will certainly arise. That it is removed three thousand miles distant from its enemy ; that it lies on another side of the globe where it has no enemy ; that it is earth-born, and like a giant ready to run its course, are not alone the grounds and reasons on which a speculatist may pronounce this. The fostering care with which the rival Powers of Europe will nurse it, ensures its establishment beyond all doubt or danger.

Where a state is founded on such amplitude of base as the union of territory in this new world forms ; whose communion is actuated by such a spirit of civilization, where all is enterprize and experiment ;  
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where Agriculture, led by this spirit, hath made discoveries in so many new and peculiar articles of culture, and hath carried the ordinary produce of bread-corn to a degree that has wrought it to a staple export, for the supply of the old world; whose fisheries are mines producing more solid riches, to those who work them, than all the silver of Potosi; where experimental application of the understanding, as well as labour to the several branches of the mechanics, hath invented so many new and ingenious improvements; where the Arts and Sciences, Legislation and Politics, are soaring with a strong and extended pinion, to such heights of philosophic induction; where, under this blessedness, Population has multiplied like the seeds of the harvest; where the strength of these numbers, taking a military form, "*shall lift up itself as a young lion*;" where Trade, of a most extensive orbit, circulated in its own shipping, hath wrought up this effort of the Community to an *active Commerce*; where all these powers unite and take the form of establishment of Empire; I may suppose that I cannot err, nor give offence to the greatest

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greatest Power in Europe, when, upon a comparison of the state of mankind, and of the states of those Powers in Europe, with that of America, I venture to suggest to their contemplation, that America is growing too large for any government in Europe to govern as subordinate ; that the Government of North America is too firmly fixed in the hands of its own community, to be either directed by other hands, or taken out of the hands in which it is : and that the power in men and arms (be they contemned or contemptible, as the wisdom of Europe may suppose) is too much to be forced at the distance of three thousand miles.

If I were to address myself to a philosopher, upon a supposed adventitious state of the planetary system, and ask him, whether, if an accretion of matter should enlarge any sattellite till it grew into magnitude, which balanced with its primary ; whether that globe, so encreased, could any longer be held by any of the powers of nature in the orbit of a secondary planet ; or whether any *external force* could hold it  
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thus restrained; he will answer me directly, No. If I ask the father of a family, whether, after his son is grown up to man's estate, to full strength of body equal to the parent, to full power of mind and vigour of reason; whether he can be held in the same subordinate pupillage, and will suffer himself to be treated, under correction, as aforesaid in his childhood? The father will be sorry to be asked the question, and be willing to evade it; but he must answer, No. Yet, if I ask an European politician, who learns by hearsay, and thinks by habit, and who supposes of course that things must go on, as they have always gone on; whether, if North America, grown up, by a distinct and independent interest in their œconomy and commerce, to a magnitude in nature, policy, and power, will remain dependent upon, and be governed by, any of the metropolitan states on the other side of the globe; he will confidently answer, Yes. He will have ready a thousand reasons why it must be so, although fact rises in his face to the very contrary. There have  
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been, and there are, periods in the History of Man, when, instead of *the politician* being employed to find out reasons to explain facts, he and all about him shall be *busied to invent, or make, facts, that shall suit predetermined reasonings.* Truth, however, will prevail, and things will always finally prove themselves to be what they are.

What has been here said is not meant to establish proof of the *Fact, which is in event*; but so to explain it, as that the consequences of it may be fairly and clearly seen. As to the existence of the facts, or the effect of them in operation, it is of no import. THE PRESENT COMBINATION OF EVENTS, whether attended to or not, whether *wrought by wisdom* into the system of Europe or not, *will, forcing its way* by the vigour of natural causes, *be found there* in all its ascendant operations. These will have their effects, and Europe in the internal order and œconomy of its communities, in the courses of its commerce, will be affected by it. The statesman cannot prevent its existence, nor resist its operation. He may embroil  
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his own affairs ; but it will become his best wisdom and his duty to his sovereign and the people, that his measures coincide and co-operate with it.

The first of the consequences is, the Effect which this Empire, in a new and separate world, *become a great naval Power*, will have on the commerce, and perhaps by changes introduced in that, on the political system of the old world.

Whoever has read and understands any thing of the state of the Hanseatick League in Europe, and considers it's progress, first by it's possessing all the commanding articles of the commerce of the then world, and the commercial command of all the great rivers through which that commerce must circulate ; next it's being the carrier of the trade of Europe ; and finally it's forming, on this ascendant interest, by the means of it's shipping and seamen, *an active naval Power*, that in all cases could attract the interest of, in many cases resist, and even command the landed Powers ; whoever, viewing this, considers that this League was made up of

a number of towns, separate from, and unconnected with each other, and included within the dominions of other Powers and States, of a number of individual towns, who had *no natural communion*, and only a forced and artificial union amongst each other; whoever, duly marking this at the basis, follows the progress of the power, not only commercial but naval and political, which this League, under all these natural disadvantages, established throughout all Europe, will be at no loss to see on how much more solid basis the power of North-America stands founded, how much faster and with more rapid increase (unobstructed with those difficulties which the League met with) it must grow up, and to what an extent and ascendancy of interest, carrying on the greatest part of the commerce, and commanding the greatest part of the shipping of the world, this great commercial, naval, American Power must soon arrive at. If this League, without having the natural foundation of a political body, a landed root, could grow, by an active commerce and the effect of navigation, to

such power as we know it did possess, and acted with; if this League, of parts separated by Nature, and only joined by the artificial cement of force, could become a great political body, existing, as it were vitally, by a set of regulations of *internal* police, and acting *externally* with an interest and power that took a lead, and even an ascendancy in wars and treaties, what must the States of North-America, removed at a distance of almost half the globe, from all the obstructions of rival Powers, having at it's root a landed dominion, *peculiarly adapted to the communion of commerce and union of power*, and already grown up in an almost universal active commerce, rise up to in their progress? As this Hanseatick League grew up to power, Denmark, Sweden, Poland, and even France, sought it's alliance (under the common veil of pride) by offers of becoming it's Protectors. England also, growing fast into a commercial Power, had commercial arrangements, by treaty, with it. Just so now will the Sovereigns of Europe, just so now have the great

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Bourbon Compact, the greatest Power in Europe, courted the friendship of America. Standing on such a basis, and growing up under such auspices, one may pronounce of America as was said of Rome, *Civitas, incredible est memoratu, adepta libertate quantum brevi creverit.*

I mark here *what may be in event*, from a view and consideration of *what has been in fact*, merely to obviate a suspicion of my reasoning being theory and vision.

In the course of this American war, all the Powers of Europe (at least the maritime Powers) will, one after another, as some of the first leading Powers have already done, apply to the States of America for a share in their trade, and for a settlement of the terms on which they may carry it on with them. America will then become the **ARBITRESS** of the commercial, and perhaps (as the Seven United Belgic Provinces were in the year 1647) the *Mediatrix of peace*, and of the political business of the world.

If North America follows the principles on which Nature hath established her; and  
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if the European alliances which she has already made do not involve her in, and seduce her to, a series of conduct destructive of that system, which those principles lead to; she must observe, that as Nature hath separated her from Europe, and hath established her *alone on a great continent, far removed from the old world, and all its embroiled* interests and wrangling politics, without an enemy or a rival, or the entanglement of alliances \* " I. That it is contrary to the nature of her existence, and of consequence to her interest, that she should have any connections of politics with Europe, other than merely commercial; and, even on that ground, to observe invariably, the caution of not being involved in either the quarrels, or the wars of the Europeans in Europe. II. That the real state of America is, that of being the common source of supply *to Europe in general*; that her true *interest* is, therefore, that of being a FREE PORT to all Europe at large; and that all Europe at large should be THE COMMON MARKET for American

\* Common Sense.

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merican exports. The true interest, therefore, of America is, not to form any partial connexions with any part to the exclusion of the rest."

If England had attended to her own interest, as connected with that of America, she would have known, that "it is the commerce, and not the conquest of America, by which she could be benefitted;" and if she would, even yet, with temper, listen to her true interest, she would still find, "that that commerce would, in a great measure, continue with the same benefit, were the two countries as independent of each other as France and Spain, because, in many articles, neither of them can go to a better market."

What is here said, is spoken of them, as influenced under their present habits and customs of life:--Alienation may change all this.

Be these lesser private interests disposed of, as the fate of kingdoms determines: The views of this memoir are directed only to the general consequences of the general combination of events.

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The first, which in all human probability will, sooner or later, become the great leading principle between the old and new world, is, that North America will become a **FREE PORT** to all the nations of the world indiscriminately; and will expect, insist on, and demand, in fair reciprocity, a **FREE MARKET** in all those nations with whom she trades. This will, (if she forgets not, nor forsakes her real nature) be the basis of all her commercial treaties.

If she adheres to this principle, she must be, in the course of time, the chief carrier of the commerce of the whole world; because, unless the several powers of Europe become to each other, likewise, **FREE PORTS** and **FREE MARKETS**, America alone will come to and act there, with an ascendant interest that must command every advantage to be derived from them.

The commerce of North America being no longer the property of one country only, where the articles of its supply were either locked up, or came thence to market through a monopoly; these articles will

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come freely, and be found now, in all the markets of Europe at large; not only moderated by, but moderating the prices of the like articles of Europe. The furs and peltry will meet those of the north-eastern parts of Europe; and neither the one nor the other can any longer be estimated by the advantages to be taken of an exclusive vent. Advantages of this kind, on the article of *iron*, and on *naval stores*, have frequently been aimed at by Sweden; and the monopoly in them was more than once used as an instrument of hostility against England. This occasioned the measure which the Parliament of that country took of granting bounties on these articles, the growth and produce of America, which measure gave source to the export of the same articles from North America: these, when they come freely to the European markets, co-operating with the effect which those of Russia have there, will break that monopoly: for Russia also, by the conquest of Livonia, and the advancement of her civilization, has become a source of supply in these same articles to a great extent. All

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Europe, by the *intervention of this American commerce* in her markets, will find the good effects of a *fair competition*, both in *abundance of supply*, and in *moderation of price*. Nay, even England, who hath lost the monopoly, will be no great loser on this score: she will find this natural competition as advantageous to her, as the monopoly which, in bounties, and other costs of protection, she paid so dear for.

*Ship-building*, and the science, as well as art of navigation, having made such progress in America, so that they are able to build and to navigate cheaper than any country in Europe, even cheaper than Holland with all her œconomy can, there will arise in Europe a competition, at least in this branch of commerce. In this branch the Dutch will find powerful rivalry from that maritime people, the Americans. The Dutch will also find, in the markets of Europe, a competition in the branch of the *Fisheries*.

The *rice* and the *bread corn* which the Americans have been able to export, to an amount that supplied, in the European market,

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ket, the defect arising from England's withholding her exports, will, when that export shall again take place, keep down depressed the agriculture of Portugal and Spain, and, in some measure, of France also, if the policy of those countries does not change the regulations, and order of their internal œconomy.

*The peculiar articles of supply* to be had as yet from America only, and which the markets of Europe so much seek after and demand, will not only give to the Americans the command of the market in those articles, but enable them, by annexing assortments of other articles of commerce, to produce these latter articles also, with preference and advantage in those markets.

*The refuse fish, the flour, the maize, the barrelled meat, the live-stock, and various lesser articles of subsistence, and the lumber,* all carried in American shipping to the West-India Islands, directly from North America: the African slaves carried, by a circuitous trade, in American shipping also, to the West-India markets: the taking from thence the melosses; and the aiding those islands with American shipping, in the carriage also of their produce, must ever

command and have the *ascendancy* in the *commerce* of that part of the world ; if this ascendancy even stops here.

But to close the consideration of the effects which the *commercial activity* of this New Empire will have, one may sum up all in this, that the cheap manner in which the Americans can, at present, produce their articles of supply ; the low rates at which they can carry them to the European markets, selling also their shipping there ; the small profits at which their merchants are content to trade, must lower the price of the like articles in the European market ; must oblige the European merchant also to be content with less profit ; must occasion some reform of the home œconomy of Europe in raising, and of the order of Police in bringing to the market, the native articles of supply of that Continent. But further ; these people by their principle of being a *free port* in America, and having a *free market* in Europe ; by their policy of holding themselves, “ as they are remote from all the wrangling politics, so neutral in all the wars of Europe :”

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by their spirit of enterprize in all the quarters of the globe, will oblige the nations of Europe to call forth within themselves such a spirit, as must change entirely its commercial system also.

But will a people whose Empire stands singly predominant in a great Continent; and who, before they lived under their own Government, had pushed their spirit of adventure in search of a North-West passage to Asia, which, as being their own discovery, they meant to have claimed as their own peculiar right: will such a people suffer in their borders the establishment of such a monopoly as the European Hudson's Bay Company? Will that enterprizing spirit, which has forced a most extensive commerce in the two Bays of Honduras and Campeachy, and on the Spanish main, and who have gone to Falkland's Islands in search only of whales, be stopped at Cape Horn, or not pass the Cape of Good Hope? It will not be long after their establishment as an Empire, before they will be found trading in the South-Sea and in China. The Dutch will hear of them in Spice Islands,

Islands, to which the Dutch can have no claim; and which those enterprizing people will contest, on the very ground, and by the very arguments which the Dutch themselves used to contest the same liberty against Portugal.

By the constant intercommunion that there will be between Europe and America; by the constant correspondence and growing acquaintance that there will be towards the latter, it will be as well known, in general, as Europe: by the continual passage to and from that Continent; by attention to the nature of the winds, which, however variable, have their general courses; by repeated observations on the currents in the Atlantic, which (beside the general current of the Gulf stream and its lee-currents) set according to the prevailing winds, in various courses between the shoaler and broken ground; the passage will be better understood, and become every day shorter; America will seem every day to approach nearer and nearer to Europe. When the alarm which the idea of going to a *strange* and a *distant* country gives to the homely notions of an European

European manufacturer or peasant, or even to those of a country gentleman, shall be thus worn out, a thousand repeated repulsive feelings, respecting their present home; a thousand attractive motives, respecting the settlement which they will look to in America, will raise a spirit of adventure, and become the irresistible cause of an almost *general Emigration to that New World*. Nothing but some future, wise, and benevolent policy in Europe, or some spirit of the evil one, which may mix in the policy of America, can prevent it.

The Great Creator hath stationed a Cherubim, with a flaming sword, that turns every way, and meets man at every avenue through which he would pass in quitting life itself. Unless the great Potentates of Europe can station some such universal, and equally efficient, power of restraint to prevent man's quitting this Old World, multitudes of their people will emigrate to the New One. Many of the most useful enterprising Spirits, and much of the active property will go there also. Exchange hath taught the statesman of the world long ago, that

that they cannot confine money : and the state of the Empire of these European states must fall back to an old feudal community, in which its own people are locked up, and from which all others are excluded, or *commerce will open the door to Emigration.* The Sovereigns of Europe, who are cognizant of those movements, and who know how to estimate their effects, must feel what an adventitious weight hence, also, will be added to the encreasing scale.

Such, upon a patient investigation through past experience doth the state and circumstances of things, in Europe and in America respectively, appear to the Writer of this paper : such, upon a comparative view of the two worlds, in those points which lead to amplitude and growth of state, doth the combination of events, in which they are mixed, appear. The Memorialist attempts not to reason upon the matter. He aims only, and that with all humility, to point out to the contemplation of those who must act upon it, and who should therefore reason, the natural, or, at least, probable tendency of effects flowing  
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from it: and how these relations of things --- *Legeſque et fœdera rerum*, are forming what he conceives will be the New System. He is neither ſo unpractiſed in the world, nor ſo abſurd, as to attempt to eſtabliſh theſe practical truths by argument. He knows the influence that ſettled principles and decided maxims have on the public as well as private opinion, that men meaſure every degree of proof, and even demonſtration itſelf, by them. The ſublime politician, who ſpatiates in the regions of predetermined ſystems, which no experience can ever enlighten, will not ſtoop to reaſon. The man of the world, narrowed by a ſelfiſh experience, which is worſe than ignorance, will neither reaſon nor feel. Beſides, if individuals had direct and practical conviction of the exiſtence of the facts herein ſtated, and did actually feel the truth of the effects; yet it requires ſomething more materially operative to move collective bodies of men. It is but ſlowly that nations relinquish any ſystem which hath derived authority from time and habit; and where that habit paſſes for experience, and that authority for truth.

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When contrary effects, constantly and uniformly opposing themselves to the activity of error, shall make men hesitate, and raise some suspicions *that all is not right in the old system*: when Experience, observing (as it were) two ships sailing on the great ocean, shall see that while the sails of the *one*, instead of being so set as to draw together, and to give the vessel its due course, do counteract each other, and obstruct its course; that it is repeatedly taken a-back, and with all its bustle and activity makes but little way; the *other*, setting all its sails *as the nature of the elements requires*, and so as all to draw together, doth, in a one quiet unshifting trim, and in a one uniform steady course, make great way, so as to sail down the other out of sight: when Experience, having observed this, shall apply it to what he may observe in the different effects of the different systems of the Old and New World; Reason will be heard, Truth will have its force, and Nature act with all its powers. Until some great event shall produce this frame and temper of mind in the European world,

world, all reasoning will become the mere theory of a visionair; all argument the downright impertinence of an obtruding missionair.

Those Sovereigns of Europe who have been led by the office-systems and wordly wisdom of their Ministers; who seeing things in those lights, have despised the unfashioned awkward youth of America; and have neglected to form connections, or at least to interweave their interests with those of these rising states: when they shall find the system of this New Empire not only obstructing, but superseding the old system of Europe, and crossing upon the effects of all their settled maxims and accustomed measures, they will call upon these their Ministers and wise men, "*Come curse me this people, for they are too mighty for me.*" Their statesmen will be dumb, but the spirit of truth will answer, "*How shall I curse whom God hath not cursed? Or how shall I defy, whom the Lord hath not defied? From the top of the rock I see them, from the hills I behold them. Lo! the people shall DWELL ALONE,*

*and shall NOT BE RECKONED AMONGST THE NATIONS."* America is separated from Europe; she will dwell alone: She will have no connection with the politics of Europe; and she will not be reckoned amongst the Nations.

On the contrary, those Sovereigns of Europe who shall call upon their Ministers to state to them things *as they do really exist in Nature*, and treating those things *as being what they are*, shall require of these Ministers, that they take their system from Nature, instead of labouring in vain, to the misery of mankind the mean while, to force Nature to their predetermined courses and system: And who shall be in such circumstances and situation, as to be able to form, if not the earliest, yet the most sure and natural connection with North America, as being, what she is, AN INDEPENDENT STATE, THE MARKET OF AND A FREE PORT TO EUROPE; AS THAT BEING WHICH MUST HAVE A FREE MARKET IN EUROPE, will (coinciding with the movements, and partaking of the effects of the new system) become  
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the principal leading Power in Europe, in regulating the courses of the rest, and in settling the common center of all.

England is the State that is in those circumstances and in that situation; the similar modes of living and thinking, the same manners and same fashions, the same language and old habits of national love, impressed in the heart and not yet effaced, the very indentings of the fracture whereat North-America stands broken off from her, all conspire naturally to a *rejuncture by alliance*. If, in the forming that juncture, England, no longer assuming to be what she no longer is, will treat America, and all other Beings, as what *they really are*, she might still have the ascendancy in trade and navigation, might still have a more solid and less invidious power than that

*Magni Nominis umbra*

with which she braves the whole world; she might yet have an active leading interest amongst the Powers of Europe. But she will not. As though the hand of judgment was upon her, England *will not see the things which make for her peace.*

France,

France, on the contrary, already (and other States will follow this example) *acknowledging those States to be what they are*, has formed alliances with them on terms of perfect equality and reciprocity. And behold the ascendant to which she directly rose from that politic humiliation.

There never was a wiser or firmer step taken by any established Power, than that which the New States in America took for their *first footing* in this alliance; there never was more address, art, or policy shewn by any State, than France has given proof of in the same; when both agreed and became allied on terms which exclude no other Power from enjoying the same benefits, by a like treaty.

Can it be supposed that other States, conceiving that the exclusive trade of England towards America is laid open, will not desire, and will not have, their share of it, and of the benefits to be derived from it? They certainly will. Here then come forward *the Beginnings of changes* in the European system.

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general intercommunion of commerce, betwixt Europe and North-America, may come into operation : the one will lye in special and particular treaties of commerce, with specific regulations and tariffs, made separately, from time to time, with each separate State : the other may come into operation by ALL THE MARITIME STATES OF EUROPE, either previous to, or in consequence of such separate treaties ; either previous to their engaging in a general war, or upon the general settlement of a peace, MEETING IN SOME CONGRESS to regulate, amongst themselves, as well as with North-America, the FREE PORT, on one hand, and the FREE MARKET on the other ; as also, general regulations of commerce and navigation, such as must suit *this free-trader, now common to them all, indifferently, and without preference.* Such regulations, in the first place, must exclude all monopoly of this source of supply and course of trade ; and so far make an essential change in the commercial system : such regulations, not having reference only to America, but reciprocal references between

tween all the contracting parties, trading now under different circumstances, and standing towards each other in different predicaments, must necessarily change the whole of that system in Europe.

The American will come to market in his own shipping and will claim *the ocean as common*; will claim a *navigation restrained by no laws but the law of nations*, reformed as the rising crisis requires; will claim a *free market*, not only for the goods he brings, whencesoever he brings them, but also for the ships in which he brings them; the sale of his shipping will make part of his commerce. America being a free port to all Europe, the American will bring to Europe *not only his own peculiar staple produce*, but every species of his produce which the market of Europe can take off: he will expect to be free to offer to sale in the European market, every species of wrought materials, which he can make to answer in that market: and farther, as his commerce subsists, and is carried on by a circuitous interchange with other countries and regions, whence he brings arti-

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cles, not simply for his own consumption, but as exchangeable articles, with which to trade in foreign markets; he will claim, as one of the conditions of the *free market*, that these foreign articles, as well as his own produce, shall be considered as free for him to import in his own shipping, to such market. Those States who refuse this at first, seeing others acquiesce in it, and seeing also how they profit by having articles of supply and trade brought so much cheaper to them, will be obliged, in their own defence, and to maintain their balance in the commercial world, to accede to the same liberty. Hence again, even if the American should not, by these means, become the ascendant interest in the carrying-trade, and in shipping and seamen, a most essential change must arise in the European system.

Again; the American raises his produce cheaper, and navigates cheaper, than any other can: his staple commodities are articles which he *alone* can supply; these will come to the market assorted with others, which he thus can *most conveniently* supply; and, unless the same liberty and freedom

of trade, which he enjoys, be reciprocally given and taken, by the European Powers, amongst each other, he will come to the European market on terms which no other can.

Nor is it in the articles which the American brings to sale, but in his manner of trading for those articles which he purchases, that the community in Europe will be affected, benefitted, and improved. There will be found not only a fair competition in the sales, but the *peculiar activity* of the American will raise, of course and as necessary, a spirit and activity amongst those who come to the same market. That peculiar turn of character in the American, before described, that inquisitiveness, which in business animates a spirit of investigation to every extent, and in the most minute detail, wherever information is to be had, excites and enables them to conduct their dealings in trade in a different and more advantageous manner than is usually practised by the European merchant. They acquire a knowledge not only of the markets of Europe, that is, of the wants  
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and supplies, how they correspond, and of their relative values; but they never rest till they are possessed of, in the most minute degree, a knowledge of every article of produce and manufacture which comes to those markets; until they know the establishments, the operations, and the prices of labour, and the profits made on each, as well, or even better than merchants of the country themselves. This state of information, joined to their commercial activity, leads them to the immediate sources of all the supplies they want to purchase, without going through the channel of a foreign merchant or factor.

A little time before the breaking out of the troubles between England and America, several of the American merchants, especially those of Pennsylvania, sending some of their own house to England (as I am informed) became their own factors, went immediately to the manufacturers in Birmingham, Wolverhampton, and Sheffield; to the woollen manufacturers in Yorkshire and Lancashire; to those of Liverpool; and to those in the West; and opened an

immediate traffick with them at the first hand. This same spirit of investigation, and this same commercial activity will in the same manner actuate their dealings in every other country of Europe where they have a free market.

The effect arising from this may appear, at first view to be disadvantageous to those countries, and may indeed affect the courses of the European Merchant individually, but it will become a general blessing to the community of every country at large, by being the means of raising a more general competition and of diffusing a more equal or proportional share of profit between all ranks and orders of the industrious. While trade is solely in the hands of the Merchant, He, not from the nature of the man, but from the nature of trade itself, bears hard on the purchaser by his high rate of profit, and oppresses the manufacturer by the bare living share of profit he allows him: the Merchant grows rich and magnificent, makes a great bustle and a great figure: the eye of the world, attracted by the glare of these mercantile instances

stances of the advancing opulence in the country, has never accustomed itself to inquire, whether part of this princely magnificence is not derived from the depression of industry, occasioning, at the same time, a certain defalcation from the quantity of goods which would otherwise be produced? It can never be well with any country when the Merchants are Princes, or where the Prince is the Merchant. The more that the Merchant can make by high profits, the less in quantity (on every consideration) will he carry to market. It will be his interest to keep the market scantily stocked; it will become his interest, by the collateral occasion which this will give him, to represent the demand of the market as decreased, for thus he will keep down the manufacturer's profit. Whereas, on the contrary, in the moment that commerce becomes free and open; and, by the intermixture of this American spirit of trade, runs, with fair competition, in a broader channel: The merchant must make his way by being content with small profits, and by doing a deal of business on those

those small profits. The consumer and the manufacturer will come into more immediate contact, and be known to each other. The one will save the unreasonable advances which he used to pay, and the other will obtain a more equal share of the profits which arise on his labour. More work will be done; the profits of industry more equally distributed; the circulation of the vital nutritious juices will be diffused through the lesser vessels, and give universal life and health, and more perfect exuberance of growth to the whole community.

If these facts be true, and this representation of effects be according to Nature; and if these operations take this course; it will be needless to point out to the shrewd speculations of the merchants, what their conduct must necessarily be; but it will behove the Statesmen in the several Governments of Europe to be aware, that, while this change is in operation, they do not suffer the merchant to persuade them, that the general commerce is languishing and in decay, merely because there is not the same parade of wealth, in such dazzling instances,

instances, in the partial accumulated opulence of particulars. Let them look first to the market of supply in subsistence, and inquire, whether there is not plenty there? Next to the rude produce, which is the basis of manufactures, and inquire, whether, while more and more industry is daily called forth, it is not employed and more adequately paid by a free and extended vent? And whether, while the number and ingenuity of manufacturers increases and advances, they do not all live more comfortably, so as to be able to maintain, and consequently, in fact, to have, increasing families; whether population does not progressively encrease, as it meets the sources of industry in employment and pay. Let them, for the future, guard against the narrowed interest and exclusive temper of trade; while they encourage, *by an attractive principle of general communion*, the genuine spirit and life of commerce.

The Political Founders of the old system in the old world, were totally ignorant of this principle of commerce: they seem not to have understood how this fruit-bearing tree

Tree was to be planted, or how to be cultivated. Instead of preparing, they wished to impoverish the soil from whence it should have drawn its nutrition; it was wisdom with them to render their neighbours and customers poor. They cramped and mangled the very roots by the various ways in which population was obstructed. Their impatient avarice sapped the very bole of its vital fluid, so as to drain off that circulation, which should give nutrition and encrease to it; by a wretched system of taxation, they effectually prevented the stock of labour and profit from accumulating. They cut off the bearing branches (the husbandmen and munufacturers) by dragging those useful members to the barren labours of their standing armies. And what little fruit, after all, the poor languid starving Tree could produce, they gathered into monopolizing stores, lest others should share the profit of it. But if the Statesmen of the present more enlightened age will follow where experience, grounded in the actual state of things, leads to truth and right, they will throw the activity



activity of mankind into its proper course of productive labour. When man hath the liberty of exerting his active powers of industry or ingenuity, as he can make them the most productive, and finds a free market for what he produces, and his share of profit in proportion to his efficiency in creating it, then is the ground duly prepared for the encreasing population, opulence, and strength of the community; then will the Sovereigns of this old world find their soundest interest, and most efficient power, arising into amplitude and growth of state, through means of their People's happiness.

If the Sovereigns of Europe should now at length find in the example of England, that the system of establishing colonies in distant regions and various climates, in order to create a monopoly of the peculiar product of the labour of the people whom they send thither, *is at an end*; and would turn the same attention, with the same zeal, to *colonizing at home*; that is, should, like the Police of China, give source and exertion to their own internal

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powers

powers of production, should cultivate their waste lands, and improve their agriculture, and in its due turn, give every encouragement to manufacture; if they would abolish all those useless bonds of slavery, which operate in corporations and corporation-laws; which fix down the activity of the human being, as it were a plant, to a local vegetable life, where its real powers are fettered and locked up, which repel all equality and competition, which obstruct or pervert the very spirit of communion, and render those, who stand live under it, aliens to each other: As all those wretched remnants of barbarism shall be removed, the productive powers of the community will create those surpluses which will *become the source*, and in the due course of nature, *open in their turn the channels of commerce.*

If the European Statesmen, from experience of what has past, and been the effect of the system of Europe; from intuitive experience of the progressive State of America; should see the self-obstruction which arises from attempts to force an exclusive

*clusive commerce*; should see, in the examples of Spain and England, the disappointed ends of attempts to establish a *monopoly of navigation by the force of laws*, instead of creating or maintaining it by the spirit of an active commerce; should see, that all the measures of *prohibitions*, by which the several States of Europe labour to repress the rest, do but depress themselves; They may at length come to a temper in thinking, at least, if they cannot yet bring themselves so to act, that to give freedom, scope, and activity to commerce, is the true system for every country, which in its nature and operations is actually commercial.

All this, I know, will be called speculation; and it is indeed, at present, but mere theory; yet having, by a series of experience, in repeated instances, and in some of great import, seen, that *propositions which have been contemned and rejected in one country*, have, in their due season, become *operative wisdom in another*, I will (hoping that I do not presume too much) proceed in this speculation.

I will suppose, that the Statesmen of the old world, checked at least in their career of war; entertaining some doubts, or hesitation at least, on the principles and maxims of their old system; perceiving that the æconomical activity in Europe is on the turn to take a new course; feeling, in fact, the force and expanding operations of an active commerce; finding themselves under the necessity of making some reform at least, *begin themselves to speculate*, how, amidst a number of Powers of trade, shifting their scale, an even balance may be formed, and secured in establishment; how, amidst a number of fluctuating interests, *buoyant on the turn of this great tide in the affairs of man*, an equal level may be obtained and maintained. If this should lead them to review their old system, and they should perceive how it is of itself prepared for change, perhaps they may find that Commerce, which might have risen by a competition in an active industry, a retentive frugality, and exertions of ingenuity, hath long been an exclusive scrambling rivalry; that

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that \* Commerce, instead of being (as in it's true nature it is) an equal, equable, universal operation of communion, which concentrates the enjoyments of all regions and climates, and consociates men of all nations, in a one mutual communion of all the blessings of Providence: when actuated as it hath been, by a repellant selfish principle, hath operated in Europe under the old system, as the golden apple of Discord, and been to the several neighbour nations an occasion of jealousies of each others powers of enjoyment; alternate depressions of each others interests; and a never-ceasing source of wars for many of the latter ages of the world: perhaps they may also then see that treaties of peace by which these have been terminated, are but truces; and that guarantees are but so many entangling preparations for future wars.

While they cannot but see things to have been so, on one hand, they will, I should

\* *Quid quod omnibus inter se populi commercium dedit? Ingens Naturæ beneficium, si illud in injuriam suam non vertat hominum furor. Sence Nat. Quest. Lib. 5 and 18.*

should however hope, have satisfaction in perceiving, that the manners of mankind, softened and smoothed by degrees, have at length become more humanized; their society and police more civilized; that the world at large hath been rising nearer and nearer, every day, to a meridian which hath enlarged its views, which hath enlightened, and infused a more generous and liberal spirit into it: that although many of the old, oppressive, depressing forms and institutions of Government, as they respect the cultivators of the earth, the manufacturer, the internal market, the merchant and external commerce, have not yet been actually abolished; yet that practice, in the administration of those governments, hath by various accommodations, various facilities, abrogated their worst and most mischievous operations; that the activity of man finds every day more and more, a freer course; that it finds itself encouraged, where it is in a situation so to do, to engage in the culture (if I may so express myself) of the fruitfulness of the seas; that artificers and manufacturers begin to feel motives which

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which not only prompt their industry, but encourage their ingenuity; that there are a thousands ways and channels (which though Pride will not open, Prudence will connive at) through which the intercourse of markets finds every year a more free and unrestrained vent; and that the active attraction and free spirit of commerce is, like the spirit of life, diffusing itself through the whole mass of Europe. They will find that, in fact, there is an end to all their *monopolizing systems*; that there is an absolute impracticability, and total inefficiency in every line and effort of their *repulsive measures*. Experience of past effects will, in the course of this review, mark to them, that any one of those Powers of Europe, who would aim to deal with the rest of mankind with an unequal balance; who would endeavour to pile up the flow of their commerce in a channel above the level of the circumfluent commerce; will only find in the end, that they have raised amongst their neighbour nations, a spirit of jealousy, a revulsion, and a temper of universal rivalry, that shall conspire to wrest  
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that false balance out of their hands, and to depress them down again, to a level with the rest of the world. No other effect ever did or could derive from the European system of commercial policy ; these are the universal laws of nature, analogous in the moral, to those which operate in the natural world. The cities of Italy, those of the Low Countries, the States of Portugal, Holland, England, have all in their season, and for their period, as commercial powers, arisen above the common level of the rest of the world ; but over-pressing with a weight which was felt as unequal, by those placed below them ; they have each, in its turn, found, even in the moment of their highest elevations a general rising all around them, and themselves sinking to the common level.

If the Statesmen of Europe should, at length, begin to listen to these experiences, and to reason on these principles, they, reasoning, not like philosophers on abstract theory, but like politicians on the actual state of things, and wrought thus to a temper of treating, and acting towards things



things *as they really are*; they must see how much it is the interest of All, to liberate each other from the *Restraints, Prohibitions* and *Exclusions*, by which they have reciprocally aimed to repress, and keep back that industrious activity, or at least the effect of it, which should otherwise have given source, in each respectively, to the common benefit and interest of All: They will see \* “ that the most advantageous “ way which a landed nation” [prepared at the foundation as in this paper described] “ can take, to encourage and multiply “ Artificers, Manufacturers, and Merchants “ of their own, is to grant the most perfect “ freedom to the Artificers, Manufacturers, “ and Merchants of every other Nation :” That the *Repulsive System*, and *Exclusive Navigation*, on the contrary, lowers the value of their own internal surpluses, by raising the prices of all things which must be bought with them: And gives also to the Artificers, Manufacturers, and Merchants,

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\* Dr. Adam Smith.

*a monopoly against their own land-workers :*  
 Seing this, they will encourage Population,  
 first internally, by preparing the ground for  
 the roots, which is the natural and most  
 efficacious means, as hath been seen in  
 America ; next by an universal Naturaliza-  
 tion and Liberty of Conscience. Should the  
 Sovereigns of Europe at length see this truth  
 manifested by experience, which the poli-  
 ticks of Statesmen, and the mysteries of  
 Tradesmen, have so long hid from their eyes ;  
 that *a general and universal freedom of  
 Commerce*, under the present conspiring  
 state of the men and things of the com-  
 mercial world, can operate only to promote  
 in the people of each Nation, the necessity  
 of an active industry, œconomy, sobriety,  
 experimental ingenuity, and a temper of  
 equal justice, coinciding with the general  
 communion of Commerce ; and that these  
 virtues while they render each particular  
 national community productive, populous,  
 opulent and strong, do unite the interest of  
 the Sovereign and the happiness of the Peo-  
 ple, in the power of the State : Elevated as  
 their situation is, and above all local, par-  
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tial views, they must see, that, if Nature has so formed Man, if policy has so framed Society, that each labouring in his destined and defined line of labour, produces a surplus of supply, it is the law of Nature and of Nations, it is of perfect justice as well as policy, that men and nations should be free, reciprocally to interchange, and respectively as their wants mark the course, these surpluses: that this *Communion of Nations* with each other by which they aid and profit each themselves, each other and all, is a right which may be enjoyed and exercised in its true and genuine spirit, and to its utmost extent, except in time of war, but even to great degree in time of war, without interfering in the political and civil power of the world; and that (if so) it ought to be thus enjoyed and exercised to the benefit and interest of each, and to the common good of all.

To those who *see things as they are*, and *reason upon them as being what they are*, the spirit of those *exclusive laws of navigation* which obstruct an equal system of universal communion in commerce, will appear as

the spirit of piracy ; will appear in the extreme execution of them at the breaking out of hostilities, and oftentimes even in declared war, the same in the thing and fact as the robberies of those States which the Powers of Europe have decidedly called Piratical : they will see that the COMMON OCEAN, incapable of being defined, incapable of a special continued occupancy, incapable of receiving exclusively the labour of any individual person or State mixed with it, is *incapable of becoming an object of property* : that however the Authority of an usurped power of religion, however the Force of Empire, may attempt to give imaginary boundaries to the open, unbounded, undefined parts of this COMMON OCEAN, drawn by those who were as ignorant of Astronomy and Geography, as they were of the laws of Nature, as ignorant of Heaven as of Earth, boundaries which common justice never can fix, nor which common sense ever can find ; it *can never become an object of dominion* ; and that, therefore, the OCEAN should in policy, as it is in fact, remain common and free

*Pervium cunctis iter.*

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If the Sovereigns of Europe should in this view of things conceive that the Commercial System of Europe is changing in fact, and in wisdom and policy should be changed; that the great Commerce of North America, emancipated from its provincial state, not only coincides with, but is a concurring cause of, this change; that *the present combination of these events form a crisis*, which Providence, as it were, with a more than ordinary interposition hath prepared: and that Heaven itself seems to call upon them, to whom it hath committed the interest and happiness of mankind, to co-operate with its gracious Providence: if listening to the voice of reason, who brings experience in her hand, they should be convinced that of all the fruitless follies, which rivalry of ambition, or the restless reckless activity of politics hath ever drawn them into, there is nothing so absurd as warring against each other about an object which, as it is separated from Europe, will have nothing to do with its embroils, and will not belong exclusively to any of them. If listening to this voice, which

as that of an Angel, announcing peace and good-will to mankind, summons them to leave off the endless useless operations of war; to consider the present crisis as an object of Council and not of War; and, therefore, to meet in communications and intercourse of their reasoning powers: surely these Sovereigns, who hold themselves to be the Vicegerents of Heaven's power on earth, will act with this its manifested spirit and will.

The maritime powers of Europe, let them continue the war to what length of time they may, must (before peace, respecting that continent, respecting America, and the mixed interests of Europe and America, can be even treated of) must convene by their Consuls, Commissioners, or other Ministers, in order to consider the several points on which the war broke out, the points in claim and in actual contest, the points on which they may safely suspend hostilities, the points which must form the basis of treaty, and which will enter into the future system, the point on which peace by that system may not only be made but established

established amongst the nations of the Atlantic ocean. Will not then reason and benevolence, in which (in this peculiar crisis) true policy and their right and best interest is included, suggest to their hearts, and actuate their Councils to convene a Congress, *before they are engaged in further hostilities*, before the devastation of war extends ruin and misery yet further. Some such measure, derived from the same feelings and reasonings, actuated by the same motives, and pointing to the same views, as led the the several great Trading Bodies of Europe to *convene in a CONGRESS*, which gave rise to the Hanseatic League, is neither contrary to, nor out of the course of public business; but is, on the other hand, what the nature of the present crisis in a more than ordinary necessity requires. In this model there is example in fact, precedents in wisdom and policy, applicable in the same manner to almost the same case as then existed. If the Statesman, who on such occasions are to advise their Sovereigns, should think that this example does not come up to the present case, or that the  
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mechanic commercial reasoning of such homely parties can never be a model to the sublime of politics; this paper (just observing in the passing, that those who think so, know nothing of the wisdom of that League) would most humbly recommend it to these Statesmen, taking up the subject in an enlarged, liberal, philosophic view, to consider dispassionately, and weigh thoroughly, *whether some GENERAL COUNCIL*, on the model of that concerted between the great Henry of France and Elizabeth of England, two as noble spirits and as wise politicians as the world hath since seen, *should not now be proposed*. This Memoire does not mean a General Council, erected into the same establishment (although on the same base) as *their designs went to*, which was to the forming a Council of Administration, for regulating and conducting a *general political system* of all Europe. The general Council here suggested, is simply and definedly a *Council of Commerce*, for all Europe and North America (absolutely exclusive of all and every point of politics) formed by the several Sovereigns sending their

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Commissioners or Ministers to convene, as a Chamber or Board, representing the several commercial interests of each State; and, on a general liberal plan and system of commerce, the conjunct and confociated common interest of All. As such it should remain a standing perpetual Council of deliberation and advice, and A SEAT OF JUDICIAL ADMINISTRATION common to all. “ *Continuellement assemble en corps de Senat pour deliberer sur les affaires survenantes, s’occuper à discuter les differens interêts, pacifier les querelles, éclaircir & vider tous les affaires---pour assurer mutuellement la liberté du commerce.*” ALSO AS A GREAT AND GENERAL COURT OF ADMIRALTY, to take cognizance of such matters of commerce in litigation, as, according to its establishment, shall come duly before it: and of all offences which shall be committed against those general and common laws of trade, which shall have been, with ratification of the Sovereign Powers, established by it.

Such a Council might not only prevent a most dreadful general war, which seems to

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be coming on in Europe ; but, if it should be so happy as to agree on such reglements as would establish peace at present, might, for ever after be the means to prevent all future occasions of war, arising from commercial quarrels. Or, if the rage of war did force itself upon the world, it would then be a Seat of common justice, open to all nations, for the relief of the peaceable, industrious, and innocent, who should be accidentally or iniquitously injured by any of the warring parties : a seat of such justice as does not exist, and cannot be expected, in any private national Court of Admiralty, in the present state of nations. Whatever is the fate of every other part of this proposition, the present entangled, confounded, vague state of the marine law of nations, seems to be such, as creates a necessity, which must draw this part into establishment. At present, all principle, rule, and law, seems to be as much lost and gone, as if the nations were fallen back to the old state of piracy, under their old barbarism. Europe cannot, even in war, go on under the present abrogation of all treaties, and all the laws of nations.

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If the state of things, if the combination of events are, in fact, such as mark the necessity of some such General Council: If the minds and tempers or Sovereigns, whose hearts are in the hands of Providence, be in such frame as the impression of these things seems naturally to make: And if under this view of things, and in this spirit of wisdom, they should send their Commissioners or Ministers to convene in such a General Council, with powers and instructions to form some general laws and establishment on the ground of **UNIVERSAL COMMERCE**: the cardinal points which will most likely come under deliberation will be: 1<sup>st</sup> How far, in right, and how far in policy, it may be best for All, to establish, on mutual agreement, the **MARE LIBERUM**: and how far each individual nation, (providing for the security of that peculiar property and dominion which they have, occupy, and duly hold, in local defined bays and harbours, &c. enclosed within the boundaries and coasts of their landed dominions) may accede to this establishment, as a law of nations.

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2dly. How far the universal *Jus NAVIGANDI* may be, or can be established, consistent with the present national claims of the several Maritime States; or how those may be accommodated, mutually and reciprocally, so as to lead to such establishment hereafter. On this ground they will naturally meet each other, in forming at least some general system of regulations and laws, common to all, under which this universal commerce may act and be protected: So that the exercise of this right may extend wheresoever the ocean flows, and be as free as the air which wafts it over that ocean in all directions.

3dly. This will lead to deliberation on the *LIBERTAS UNIVERSALIS COMMERCIORUM*, *FREE PORTS*, and *FREE MARKETS*, in open equal traffick.

As a concomitant measure, or at least (these being settled) as a necessary consequence of them, the Members of this Council must enter into convention, afterwards to be ratified by the respective Sovereigns, of reciprocal stipulations and terms, as to Port Duties and Market Tolls.

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The adjustment of this latter point will derive, and naturally take its form from the mode of the establishment of the three former matters. They will, however, be best and most wisely settled, by those States who are in circumstances which enable them, and who are under such a spirit of wisdom as will direct them, to abolish, by degrees, all Port Duties; and to raise their revenue by Excise, Tailles, and other internal sources of finance, as are collected not from the feller, where every imposition lays with redoubled load of tax on the Subject, and comes with defalcated and defective revenue to the State, but immediately on the consumer; where the load must be proportioned to the abilities of his bearing it, and whence, whatever is collected, comes in full to the State. "Add to this, that it would be a means of making that country which adopted this measure, A FREE PORT; a circumstance very desirable to every well-wisher of his country. See then whether it does not deserve the care of every worthy patriot

patriot to make such a scheme (if it can be) feasible and practicable."\*

If the State of Europe, by its circumstances and modes of business, by the spirit of its politicks, by the temper and understanding of its Sovereigns, is not yet prepared and ripe for any such general system and establishment of **UNIVERSAL COMMERCE**, under the **MARE LIBERUM**, the **JUS NAVIGANDI**, and the **LIBERTAS UNIVERSALIS COMMERCIORVM**: The business of this Council will turn on the making of such alterations, accommodations, and reform in the old system, as may suit and follow the changes of it. They will, therefore, deliberate first, on the nature and extent of the conditional grants of privileges of trade, which, under the air of protection, they shall offer to America: Under this idea they must settle with Her and amongst each other quite new arrangements of tariffs. As they shall advance in multiplication of difficulties, and by degrees to a conviction of the impracticability of this line of measures; they

\* Sir Mat. Decker.

will,

will, by degrees, raise even in their own ideas, this nation to be States admitted, and next go upon the experiment of treaties of commerce with her, on the old European system. Experience will teach them, that this will create a rivalry, which will evade and break all treaties of commerce. Here then will they come round in a circle to the point of necessity, as herein before stated, which, first or last, must force into establishment, the measure described in this paper. † *Voilà tout ce qu' on peut raisonablement exiger, Il n' est au pouvoir de l' humanité, que de preparer et agir. Le Succes est l' Ouvrage d' une main plus puissante.*

† Duc de Sulli, Liv. 30.

F I N I S.





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*"Απασιν ἐστὶ φανερόν· ὅτι μᾶλλον ἤδικοι τοῖς παρακαλῶσιν ὑμᾶς ἐπὶ τὸν Πόλεμον, ἢ τοῖς περὶ τῆς Ἐιρήνης συμβουλευουσιν. "Οἱ μὲν γὰρ προσδοκίαν ἔμποιοῦσιν, ὥς ἢ τὰς κτήσεις τὰς ἐν ταῖς πόλεσι κομιύμεθα, ἢ τὴν Δουράμιν ἀναληφόμεθα πάλιν, ἢν ἢ πρότερον ἐτυγχάνομεν ἔχοντες· Οἱ δ' ἂν τοῦτο προτείνουσιν, ἀλλ' ὥς ἰσυχίαν ἔχεν δεῖ, ἢ μὴ μεγάλαν ὑπιδυμεῖν παρὰ τὸ δίκαιον, ἀλλὰ εὐρίην τοῖς παρυσιν.*

ISOCRATIS Orat. de Pace.

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L O N D O N:  
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## P R E F A C E.

THE following memorials were drawn up solely for the King's use, and designed solely for his eye. They must of course, containing matter of administration, be first communicated to his Majesty's Ministers. They were accordingly\* communicated in the draught: and† afterwards put into the hands of his Majesty's Secretary of State, appointed to the American department, that they might be communicated to his Majesty, with a most humble request from the Memorialist, either of permission to lay them in person at his Majesty's feet, being ready to answer any questions which might arise upon them; to give any explanations which might be required; to state, to the best of his judgment, *the line in which negotiation might train*, if such was found advisable; and finally, to make a tender of his services, as an old servant of the Crown formerly employed in these affairs, to un-

\* Dec. 25, 1781.

† Jan. 18, 1782.

B

dertake

## 2 P R E F A C E.

dertake such negotiation. Or, If there were any reasons which might render it improper for him to be admitted to his Majesty's presence, on the subject of these memorials; then praying that his Majesty would be pleased to refer the memorials, and his servant who presented them, to his Cabinet, or a committee of the same; to whom, under his Majesty's orders, he was ready to make the same communications. But that if these conditions were not acceded to, that it should not be presented. The Memorialist understood that this would not be disagreeable to his Majesty. The late Secretary, in whose hands these memorials were, thinking them worthy his Majesty's consideration, would have presented them. The Memorialist understanding that the other Secretaries of State, for the reasons they alledged, could not be of opinion to advise the opening of any negotiations, *especially with the persons authorised to treat of peace, and therein referred to*; and the memorials being delivered back to the Memorialist, according to his stipulation, since the late Secretary delivered up the Seals; the Memorialist finds himself precluded even from the endeavour of rendering that service to his Majesty and to his country,

try, which circumstances, consequent of the situation he was formerly in, put in his power, and which his zeal led him to make the offer of undertaking without present pay or future reward, as his Majesty's late Secretary can testify.

Some points, both as to fact and as to opinion, which the Memorialist (with all due deference he speaks it) thinks his Majesty's Ministers are misinformed in, and of course hold mistaken opinions upon, must have arisen. These, under a sense of zealous duty, and the most profound respect to his Majesty, in the most humble manner would have been stated. Understanding these memorials to be inadmissible by the Ministers, he knows no means but this, which he hath finally presumed to take, of laying them at his Majesty's feet. He knows these are matters which ought not to come forward to public discussion : but, since he hath understood that Ministers have entered the lists in public debates on these points, and that several of his Majesty's servants have given *definitive opinions* on matters, which should have found their definitions only in the conclusions of private negotiation, he hopes that he shall not be found offending.

He most humbly craves his Majesty's

gracious interpretation. He means not to offend; at the same time he thinks it his duty to declare, that he means this mode of making these matters public, as a justification of himself to all who may be interested in this great event, and as an appeal to his Majesty and to his people against the opinions and conduct of the Ministers.

This memorial does not enter into the real or artificial reasons on which Ministers first advised his Majesty to carry force of arms into the governments of America. It was seen and declared, at the time, by those who knew that country, that although such measures might desolate America, they must, as they have done, separate them from, and nearly ruin, Great Britain in the end also. It goes only to the motives and views now given out to Parliament by the Ministers, as the *reasons for continuing the war*. It is said, that although a faction, having arms in their hands, have declared all union with the nation dissolved, and all allegiance to his Majesty's government absolved; yet a majority in number of the people in America are disposed to submit to his Majesty's provincial government, and wish to be under it. The truth is, there are in that country,



try, as in all others where the people have a share in the government, parties; but more especially in a country wherein the curse of civil war rages. Besides, the persecution which the bad spirit of man, in a predominate cause, too often inspires; the many hard things which a government in a state of war, and acting for the time with powers dictatorial, must necessarily do; alienate the spirits of many; render others impatient under, and some even enemies to, the very government which they themselves had set up. This is the case in America. But that there are a majority in number, or any proportion of numbers who wish to see his Majesty's *provincial government* established with such powers, and under such forms, as must be now necessary to give efficiency to civil power, when the *consensus obedientium* does not accompany it, the Memorialist, who hath known the machine both in its composition and in its parts; who had once administrative powers in it, and who hath carefully watched every motion of it since, thinks it his duty to declare, as he would have presumed to have done in his Majesty's presence, is a mistaken opinion of the Ministers, and not fact. On the contrary, were his Majesty's arms so to prevail,

vail, as to place this supposed number of loyalists in the seat of government; and was that government established on civil power and authority only, it would be inefficient and impracticable. Was it combined with military establishments, and derived its spring from military force, these very loyalists, if ever they submitted to it, would take the first opportunity of revolting from it. Even those of them who are living in this country under his Majesty's protection, and on his gracious bounty, will not venture (some few excepted) to pledge their honour and character to the contrary of this. If they are ready to acknowledge this, his Majesty will find them more useful subjects settled in the government of Quebec than living here. This reason, therefore, on which his Majesty's Ministers advise the continuance of the war in America, is unfounded, will always prove delusive in the trial, and hath misled them.

If the Ministers give hopes, either to his Majesty, or to the people, that they can at any practicable expence, or by any means, send to America numbers, that shall be equal every where, wherever the service requires it, to meet the numbers which that country can at any given time bring into the field upon their own ground;

ground; they not only totally over-rate the sources of Great Britain, both in men and money, but have no idea of the numbers which communities, in that state of civil progression, in which the American colonies are, have always been able to bring, and can bring into the field occasionally, sufficient to the obstructing the operations of his Majesty's arms. If they have hopes of subduing by force of arms these people, as now connected with the French, and call this a French war in America—they should endeavour to have alliances also in America: they should endeavour to procure a fœderal union with the Americans, on the *solid basis of the actual state of things*. France would be conquered in America the moment that Great Britain formed an alliance with the Americans, or would be driven out of it. These very Americans would soon have occasion to call upon his Majesty's arms for assistance to drive the French army out of America, if they did not retire at the same time in which his Majesty began to withdraw his troops.

His Majesty's Ministers, after the concessions which they have persuaded Parliament to make; after the concessions which they have suffered his Majesty's Commissioners to make, without disap-

proving their concessions, but rewarding their services; cannot venture to say to his Majesty, that they advise the carrying on the war in support of his Majesty's sovereignty in America. While they held out revenue, to be drawn from America in aid of supply, as an object to the landed gentlemen of England, they gave up taxation over America: they have spent more than fifty millions; and instead of revenue have created a debt which these landed gentlemen must pay the interest of. While they presumed to hold out to his Majesty the maintenance of his sovereignty over America, as the object of the war, they acquiesced in concessions, offering to the American governments, *specifically as states*, the power of the sword, the purse, and the exercise of a perfect freedom of legislation and internal government, and thereby, in effect, if not in fact, have made a cession of that sovereignty to these States; and have lost the country.

Sad experience has shown, that they have not the least embryo of an idea as to the *means* of carrying on the war in America. They have neither *object* nor *end* in view: yet they have entangled his Majesty's affairs in a fatal necessity of going on with war, because the Ministers know not how to make peace,

While

While at one time, "*in the hour of their presumption,*" they have pledged the honour of the Crown and Parliament to measures which they cannot effect; and at another, *in the hour of their humiliation,* have made concessions in the other extreme; they have brought forward the American colonies *as States*; they brought them forward to the becoming an object under so strange a predicament, as hath rendered it impossible and impracticable that even the mediation of friendly powers can interpose and take place.

And finally, while nothing remained which ought to be done, or can be done, *so as even to commence negotiations in Europe,* but the making some preliminary treaty for a truce that shall prepare the way to a congress, they have cut even the very grounds of treaty from under their own feet.

This ground, as stated in the memorial, contained the only path which lay open and could have led to the vestibule of the Temple of Peace. The Memorialist, trusting that the Americans even still "retained too great a regard for the kingdom from which they derive their origin, to expect any thing *in the manner* of treating which was inconsistent with  
" her

“ her honour,” and that they would, “ in the mere point of honour, even help out her Ministers :” also confident that those persons who are authorized by America to treat of peace, notwithstanding the accounts received, and opinions formed, by the Ministers, are, though enemies, *men of honour and good faith*; and conscious that he was known, both in England and America, known by his insignificance, never to have written, spoken in Parliament, or acted in any one instance, *on party grounds*, in this great question respecting America, did presume to think he could meet these persons *on grounds of agreement*, preparatory and preliminary to definitive treaty in a general congress of the Powers of Europe. The persons who must have acted in this, not being such as the Ministers *could advise the acting with*, all consideration of the measures proposed was precluded.

As the very idea of suffering those persons to communicate, who could perhaps have met *on grounds of agreement*, whereon negotiation in all its forms might hereafter have advanced, was inadmissible by the Ministers, the Memorialist did not communicate *the line of treaty*, nor *the points* through which that line might have been drawn. As he did not find himself

himself called upon to communicate those matters to the Ministers, he should now think himself greatly unjustifiable, to make them a matter of public communication. He hopes that the opportunity of obtaining that preliminary ground, whereon the Honour of the Crown and Nation might have stood undiminished, will not be lost. That it may please God to protect his Majesty's Honour; to bless his arduous endeavours for the welfare of his people; and that the next opportunity which Providence shall suffer to come forward, may fall into more acceptable hands, is the earnest prayer of his Majesty's faithful old servant and devoted subject. If unfortunately, by the high ton of some part of the Ministry, in which *things* will not bear them out; by the contemptuous rejection of *persons* who could and would have helpt them out, an opportunity of the like should not arise again (the Memorialist ventures to express an opinion, he does not presume to advise) nothing remains, but, by an act of real dignity, and from a self-derived spirit of honour, To DECLARE THE AMERICAN COLONIES FREE STATES; and to treat with them on the ground of perfect reciprocity. If this country hath yet those friends in  
America

America which it is said she hath, here they may actually and effectually serve it: and if the old colonial affections, changing their nature, have not turned to bitterness here, in the enemies which she hath there, such, when once become allies, will become friends IN SOME FAMILY COMPACT.

As the Memorialist thought that no one ought to presume to offer modes of negotiation for peace, who did not know the state of the service as to war, he prepared at the same time for his Majesty's inspection, *A State of that Service*, in a second memorial; pointing to that line which by success, if it should please God to give success to his Majesty's arms, might lead to peace. This also was in the hands of the late Secretary, and would have been presented. Candour, in an open way of acting, would have presented this, though perhaps differing in some points from ideas pre-conceived.

It did appear to the Memorialist, that, in the mode of conducting the war, which hath been adopted from the beginning, even success could not lead to peace. Peace is the end of all war; but the measures of this war did not seem to have that object or end. He saw his Majesty's af-

fairs



fairs entangled in a fatal necessity of going on with war, because the Ministers know not which way to look for peace. He therefore pointed the measures of the service which he presumed to state, to objects which might give grounds to peace, and firm alliance hereafter IN A FAMILY COMPACT; by which Britons, and British Americans united, might once more become, on a more extended basis, the great and glorious Nation they once were.

The hopes which the Ministers gave of a successful issue to this war, at the time when they commenced it, were, that his Majesty was at peace with all the world beside: yet they have so contrived their measures, and have set the conduct of the war on such a principle, as hath brought almost every maritime power in Europe to be hostile to, if not enemies of, this country. The consequences of these measures in event, have so combined America with Europe, that the contest is become an American war in Europe, and a French war in America. The measures of the state of the service which he presumed to offer, tended to separate this unfortunate combination; so that by success, and a temperate use thereof, peace in Europe or America might train in separate negotiations (each on its own grounds)

grounds) and render it again possible that, in that state of business, the mediation of friendly powers might take place.

These memorials in pure zeal, which the Memorialist hopes has not passed its bounds, and in perfect duty, are laid at his Majesty's feet, by an old servant of the Crown, and faithful subject.

T. P O W N A L L.

MAY

MAY IT PLEASE YOUR MAJESTY,

**Y**OUR Majesty, by your speech from the throne, having, at the moment in which you are preparing to carry on the war with the greatest vigour, declared your wish of procuring for your subjects and their interest that protection by peace, which you are endeavouring to obtain for them by war; having, under the same conscious magnanimity as you put an end to the late war, expressed to the world your readiness to put an end to this.

The French King having, by his letter to the Archbishop of Paris, given pledge, in an act of devotion, to his royal word, that he is desirous of peace.

Two August and Imperial Sovereigns having offered their mediation in negotiations to the same end.

The Americans (the source, cause, and object of the war) having, by persons *authorized by them to treat of peace*, declared, *that any reasonable measures to that end, should have every assistance in their power,*

*whenever Great Britain should be disposed to it.* (Nov. 23, 1781.)

And these last notices having \* come to your Majesty's Memorialist (as he did † immediately communicate to your Majesty's Ministers) he, an old servant of the Crown in this line of American service, practised and experienced in these affairs, presumes to obtrude himself into your Majesty's presence, and to lay at your feet the following memorial, as the last and only effort which Providence hath left in his power, of doing his duty to your Majesty and to his country.

If it were certain that a congress of all the Powers concerned in the present war, held under the mediation of the high Powers who have proposed the same, would be productive of peace; yet no such congress can meet until the several parties, amongst whom parts of this great business form more particular relations, shall mutually amongst themselves settle some preliminary articles, as to the manner in which they will meet, and as to the points in which they will (as our law-proceedings phrase it) join issue on the matters to be discussed. Until some

\* December 5, 1781. † December 6, 1781.

*grounds of agreement*, whereon your Majesty can suffer the Americans to meet your Ministers, or to attend such congress, shall be settled by some preliminary negotiation, your Majesty will never acquiesce in sending your Minister to any congress into which their agents are admitted as Ministers. This must be an act of your own, in which no foreign Power can interfere, so long as the Americans are your subjects.

This memorial on this point, from precedents of what hath been done in the like case, such at least as may exculpate his presumption, endeavours to seek those grounds on which the way to peace may be cleared and plained.

He would not dare to hold in your Majesty's presence, an opinion that any such treaty should be held with rebellant subjects, did not the following precedent shew that an English Sovereign had so reasoned in the like case. In the year 1575, Queen Elizabeth offered her office of mediation\* to Philip King of Spain, to the purpose of forming some *compromise* between him and his subjects: and sending Sir Henry Cobham on the occasion,

\* Carte, Cambden, &c.

directed him to represent the mischiefs which must ensue *from the Dutch provinces falling under the French subjection*; and to press King Philip earnestly to make peace, rather than run that danger. Afterward, when the Dutch Deputies declared, that if they were rejected by England, they must apply to France for assistance, the Queen was alarmed, and promised *to use her instances again, to procure them a reasonable peace*. In the year 1576, she sent accordingly Sir John Smith to Spain on the same errand. Her Majesty's reasoning on this occasion took it's ground first from *necessity*, saying, that the greatest princes and monarchs that ever were, have been driven sundry times to yield to necessity: Secondly, from *policy*, cautioning the King *lest the loss of these provinces should put in peril his other states and kingdoms, being divided so far asunder as they were*: And lastly from prudence, that by acceding to some compromise he would spare infinite treasure, that was most unprofitably employed in the weakening of himself, by the destruction of his own natural subjects. Not succeeding in these advices, she entered into a league with the States, and sent, in 1577, Thomas Wilks to Spain, with a manifesto of her reasons.

And

And Lord North's eldest son\*, with several other noblemen, went and served in their cause. Her Majesty ceased not however to press the necessity of some compromise, and in 1578 sent the same Wilks to Don John of Austria, to advise him *to yield to a truce*. All was in vain. The King however, in the year 1609, did agree to a truce with them *as with a free people* †, under the guaranty of *England and France, mediators* ‡.

If any *grounds of agreement*, any preliminary terms, leading to peace, could thus be obtained, under such a truce as your Majesty might find it consonant to your honour to grant, your Memorialist most humbly proposes that such should be *indefinite*; at the will of either party, or if made under guaranty, with the consent of the guaranties, to terminate on notice given according to the law of nations and of arms: 1st, Because if it were definite it would subsist only by cabals preparing for certain war, so as to obstruct instead of open the way to peace: 2d, On the other hand, if the truce be definite, your Majesty, or (if there be guaranties) the guaranties, at any moment in which

\* Cambden.

† Duc de Sully.

‡ Temple and Puffendorf.

your Majesty or they saw any ill use or abuse made by mal-practices, or bad faith, to the diminution of your rights, or those of your people, might annihilate the *ground* on which such mal-practices took their course, by declaring the truce at an end. On the contrary, if the *use of possession* granted under a truce were nor mis-used, but if so used as to lead to treaty for peace in future: such treaty might wait events, or take place as emergent causes called it forth; might have its true digestion of negotiation, and not risque the being broken off by the determination of a definite period; or it might continue, without falling back to a revival of all the difficulties with which this business must always be entangled and perplexed.

Under such a truce granted by your Majesty, the States of America (as the Commissioners sent out from Parliament stiled them) being in the possession, use, and exercise of certain powers, as Free-States *de facto* (while your Majesty quitted no claim, but remained in possession of your rights unaffected, and of your honour unimpeached) would, if the state and circumstances of Europe required their attendance at any congress, come there *as such only by virtue of the truce*  
under

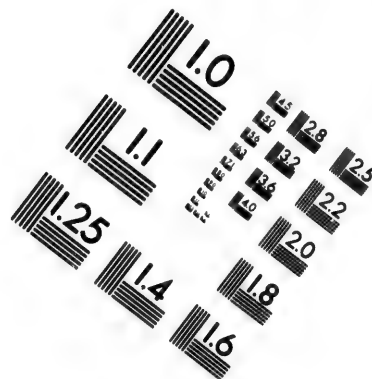
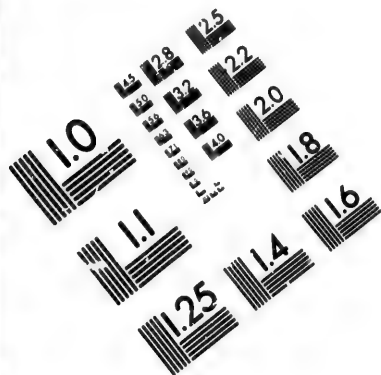


under which they held quiet possession, and had the use and exercise of their powers, and not by right claimed: for until other Sovereign Powers shall, as the French King hath done, acknowledge their independence, they cannot be received as independent States, the allies of any other Sovereign: On the contrary, such a truce would relieve all difficulties with those Sovereign Powers, who, though they did not acknowledge their independence, might see the necessity of these Americans being admitted as *attendant*, if not *component parts*, of any congress which shall meet.

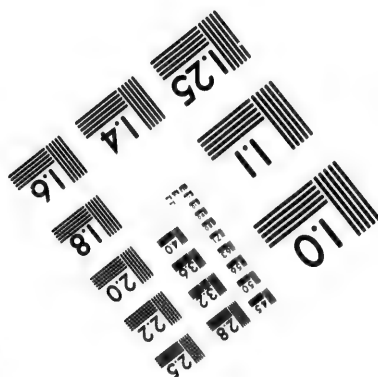
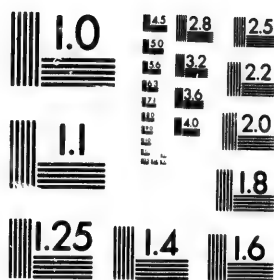
The chief matters respecting the *modes of possession* and the *regulations of commerce*, being by preliminary treaty, under the indefinite continuance of such a truce, arranged and settled, would clear the way of the principal difficulties of negotiation in any congress to be held, both as to forms, matters, and persons, and preclude all cases wherein your Majesty's honour might be committed.

Further: The putting of any negotiation, which your Majesty might permit to be undertaken, on the ground of such a preliminary truce, in order to prepare matters for the meeting of a congress, will give (notwithstanding such treaties





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already subsisting as the Americans have with the French King, and to which they referred in the late proposals) both opportunity and right to negotiate separately without France; as such preliminary negotiation would in no way contravene nor even bring into question treaties already subsisting.

This memorial taking up the consideration of your Majesty's service in the affairs of America in this point of procedure, the Memorialist presumes to offer his services to undertake a negotiation for the purpose only of settling a truce with the Americans, as a preliminary measure, in order the better to treat of peace in future; either separately or in any general congress of the Powers of Europe.

The Americans, although they have hitherto declined offers of conciliation, and even of treaty, are yet, at this time, even since the advantages gained for them by the arms of the French King, ready and willing to treat.

The character of all nations, where the power of deliberation lies with the people, fluctuates between the extremes of confidence and jealousy. The peculiar characteristic of the Americans is, jealousy to the extreme. Great Britain hath  
not

not been without her jealousies, as unfounded as the other. That repercussion of the spirit of jealousy wrought the breach in your Majesty's government in America, and brought on the war. The same spirit is now fermenting in America, to jealousy of their great and good ally the French King. That paramount sovereignty of the British Crown, which they feared in apprehension; actuated now by their General, supported by a French army, they now feel in fact. The many points on which future union of system, and conjunct powers and operations, must turn; the many difficulties which must arise in eventual partitions of the advantages to be derived; the very different idea of remuneration which must naturally arise in the expectation of the French troops, and in the estimation of the Americans; the perplexities which must occur in arrangements that must be made in quartering and supplying a regular army, that will not be shifted off, in the manner in which the poor wretches of an American army have been treated; the provoking insolence which the Americans must experience from the French; but above all (of which the greatest use may be made) the contemplation of the manner of getting rid of this army of allies, when they want their service

vice

vice no longer, and desire their departure ; all these, like the original principles of dissolution mixed with the human frame, are working to disease Syptoms of the sense with which they feel these things begin already to show themselves, and will soon work to jealousies that will break out in open quarrel, if your Majesty's measures shall give scope to them. All these points conspire not only to make it the interest of the Americans, but their wish, to commence some negotiation with Great-Britain before they are more entangled and involved with these suspected allies : if this crisis be neglected, they *may however* be so entangled, that their endeavours to emancipate themselves, although conspiring with the efforts of Great-Britain, may not be able hereafter to co-operate to any effectual purpose. Although the Americans have refused offers of conciliation, and propositions of treaty with Great-Britain ; yet, when the grounds and reasons of their conduct are compared with the nature of their circumstances, and the circumstances under which these offers were made, a man of business will not only be not surprized that they did thus reject offers, and decline treaty, but, from the nature of the reason, will take experience how to frame any future negotiation on more practical grounds.

The

The terms of conciliation which were framed by Parliament, and sent over to the several Governors in America, in order that they should lay them before the respective assemblies of each province, became inadmissible to these people; 1st, because they were addressed to bodies of men, who had delegated the powers of treating of these matters; while they passed by that body of men with whom that power did reside: 2dly, because the receiving of them by the respective Assemblies would have been virtually to dissolve that union which existed collectively in the Congress only: and 3dly, because, under the questionable form under which they came to the Assemblies, had the people acceded to them, they must previously be supposed to have given up that claim of right, on the claim of which they had separated from Great Britain. In the predicament therefore under which they stood, they could not receive them. The same error of endeavouring *to make ground to suit the plan of a measure, instead of forming the measure to ground as it lay in fact*, rendered all proffers of treaty in 1778 impracticable. The Congress could not commit itself by taking up propositions offered by the Commissioners; because it saw, that in making



ing these offers they had exceeded their powers, and believed that Parliament, not bound even in honour to acquiesce, would not ratify them. Besides, however flattering the *offered cessions* might be; the proposed *union* under which they were to take place, according to the plan of the Commissioners, supposed a non-existence of, or an inefficiency in, the Congress as to state-affairs, which for the future were to be carried on in each respective Assembly of each separate Province. *The United States, therefore, in Congress assembled*, must, before they could admit these propositions, concede deliberately to a previous act of abdication; the offer therefore of these cessions became inadmissible by Congress. Although these cessions, which the Commissioners in the hour of their humiliation made offer of, were not admissible *as propositions to be treated upon*; yet the Congress took the ground which they gave, as ground existing in fact, and required *an explicit acknowledgment* of their independence: or a withdrawing of the fleets and army.

The nature of the ground which both the conciliatory propositions, and the offers of the Commissioners, took, being such as the Congress could not meet upon without renouncing their existence;  
and

and which the several Assemblies could not meet upon without renouncing their union in Congress; was the true reason why the one could not be accepted, and why the second was inadmissible in treaty: not that the Americans were not willing to treat, or had not many interesting concerns to treat for, as will appear more fully in the following state of the circumstances and relations in which they stood towards the sovereign Powers of the earth, amongst whom they declared themselves *to have taken their equal station.*

From the moment that they declared that their allegiance to the British Crown was absolved, and that their political connection with the British state was dissolved, they became aliens in Great Britain; a trading nation of aliens, without any treaties of commerce, such as regulate the commercial intercourse, under the like benefits which nations having treaties of commerce with Great Britain enjoy.

If they trade with other nations, and wish to trade at large, and not by an exclusive trade with any one only, they must make commercial treaties particular with each nation, and settle the whole arrangement of tariffs peculiar to the terms

terms of their special treaties for themselves ; as they have no longer any right to communicate in, or enjoy, the fœderal benefits which they had hitherto enjoyed under their allegiance to the British Crown, and during their continuing parts of the British nation. These rights, which the British Crown had, through a long series of wars and treaties obtained, they, by their separation, have lost all right to amongst the nations of the earth.

They cease to have any right to, or share in, any of the British fisheries, which are by treaties, and the laws of nations, the acknowledged appendages of the British Crown.

They have lost, losing the benefits of the British act of navigation, the carriage of the American and West India trade to Great Britain.

The two last branches of navigation was the great source of their ship-building business, and the creation of their seamen.

They have lost all right of trading to the British dependencies, by which they are cut off from their circuitous trade between the fisheries, Africa, and the West Indies, in fish, slaves, &c. and in molasses, the ground of their distillery.

They have lost all right of being protected

tested under, or of being admitted to a share in, the stipulated privilege of cutting logwood in the bays of Campeachy and Honduras, which Great Britain enjoys under treaties with Spain. Under cover of this privilege, the Americans chiefly carried on, during their connection with Great Britain, an extensive and advantageous commerce, to a degree and in a manner, sometimes, so as to involve Great Britain in misunderstandings with Spain on their sole account.

Finally, having renounced the protection of the British flag, they have to treat for the acknowledged establishment of *their* flag; as also for the terms on which, and the extent to which, it shall be respected by each nation. They have all these rights to settle with every nation of Europe; but more especially with the Barbary States and the Turkish Powers; as they can no longer profit of sailing under the protection of the British Mediterranean passes settled by treaty with Great Britain.

They have no right to the benefits accorded to Great Britain by the Russian treaties of commerce, unless obtained by some new treaty of their own, or enjoyed under some tacit interpretation of her Imperial Majesty.

They

They can have no right to partake of, or participate in, the benefits of the treaties which Great Britain hath with the kingdom of Portugal, until they shall have made like treaties of alliance and commerce, unless under connivance for the present.

They have also to settle the terms under which they shall pass the Sound into the Baltic.

Nor is the manner in which their flag shall be received into the Port of Ostend yet settled.

This memorial does not enter into the predicament in which the American commerce must stand with respect of trade to and from Ireland, as that is become a business above, and beyond, the comprehension of the Memorialist. As they now stand, they have all these rights, both *fæderal* and *commercial*, to negotiate for, many of which Great Britain obtained in consequence of great and successful wars.

If they can obtain these under any reunion with their nation and mother country, instead of having them to solicit and treat for in every Court (not standing on the vantage ground which Great Britain did when she obtained them) a people practised and experienced will not be unfeeling to their own interest,

rest, nor at a loss to see their way to it, whenever any preliminary treaty shall have opened the way for them.

To sum up all, they do in fact feel all these matters and reasoning; and persons *are authorized* by them *to treat of peace*, and these persons have declared that any reasonable measures to that end shall have every assistance in their power, whenever Great Britain shall be disposed to it.

It does not appear to your Memorialist (with the most humble deference he speaks it) possible, that any Minister from your Majesty, after the offers of cessions made by the Commissioners, and after the demands made by the Congress thereupon, can meet with the Congress upon ground of treaty, until some preliminary terms be settled, as they may be best settled, under the conditions of a truce as above stated.

Your Memorialist, from his experience in this business; from information of the state of things, being convinced that a preliminary negotiation may be commenced; from his knowledge of the persons with whom such matters must be negotiated, as men with whom it was once his duty to act, with whom he has acted, with whom he has negotiated business

siness of the Crown, and whom, however habile and dextrous he found them, he always experienced to be of good faith; as men who have known your Memorialist in business, and will have that confidence in him which is necessary to the digestion of affairs; is bold to offer, by his services, to undertake this negotiation, and is ready, whenever your Majesty shall command him, to submit either to your Majesty or to your Ministers, as shall best please your Majesty, *his ideas of the line in which it ought to train.*

He does not presume to vaunt of his former services in this American line, although he shall always be proud of the approbation they received. They are now forgotten; and his sole ambition is to establish new merit in your Majesty's eye by new services to your Majesty and to his Country: nor doth he desire, in any shape whatsoever, any other reward.

All which, craving your Majesty's most gracious interpretation and pardon, if aught shall appear amiss, is with the most zealous duty to your Majesty, and in extreme anxiety for his Country, submitted to your Majesty's wisdom.

T. POWNALL.

*Richmond,*  
*January 1, 1782.*

MAY

MAY IT PLEASE YOUR MAJESTY,

**Y**OUR Memorialist having, by his memorial previous to this, which he now begs to lay at your Majesty's feet, presumed to state how, by negotiation for an indefinite truce, Great Britain, without committing the honour of the Crown, might advance to and stand on, together with America, *grounds of agreement*; and having suggested that, *standing*, she might, without diminution or impeachment of the honour of the Crown, treat with the Americans as *with free states de facto, under a truce*; doth herein proceed, in case all compromise shall be found inadmissible *in idea*, and all access to grounds of agreement impracticable in fact. to submit his opinion of the state of the service in America.

Your Memorialist having been in the service of the Crown during the last war in America, in characters wherein it was his duty to be informed of and to study these objects; wherein it was his duty to

D

give



give his opinion on military operations ; wherein his opinions were formerly adopted ; most humbly hopes that he shall not be thought to have gone too far in presuming to give the opinion which follows.

Your Majesty's government is extended over the provinces Quebec and Nova Scotia ; your Majesty's arms possess New York, and in some measure cover the possessions of the Staten and Long Island ; possess also Charles-town, and have an ascendant command in Georgia and East Florida. Between the frontiers of New York, New England, and Quebec, there is a district possessed by a number of people, who having withdrawn themselves from the revolted provinces, and taken as yet no part in the war, have fortified themselves in a state of neutrality.

The possession of the provinces Quebec and Nova Scotia, is necessary to Great Britain so long as she retains her plantations in the islands of the West Indies : they are the sources from whence (at a certainty, under all events) these islands can draw their necessary supply of lumber, fish, and live stock. The memorial does not here take notice of the supply of flour, corn, and grain, nor of salt-provisions, which may in future be drawn from

from thence, as he conceives that these may be more beneficially at present drawn; the first from England, the last from Ireland.

The possession of these provinces is necessary to Great Britain as a naval power: without them, she can have no naval station, command, or protection in the American seas: with them, she may have all these, although they may not be able to supply at present her navy with all the naval stores that she may want. They will, however, supply sufficient quantity to ward off the monopoly which some of the northern Powers of Europe have formerly endeavoured, and may again endeavour, to establish against Britain; and have, and may again, as far as such could be established, use it hostilely against her.

The province Quebec, occupied to the extent that the variety of its natural products and capabilities go to, will become a much greater source of trade, in all events, than may appear openly at first sight. This province, by the command which it hath of water-carriage (if the maintaining of that command shall be duly attended to and continued) will be the market to, and have the supply of, not only the Indians, but of all the inhabit-

ants of the back countries, as they shall become settled, be they settled by whomsoever they may; for the merchants of this province, by advantage of their water-carriage, and by their ease of communication, will be able to supply the distant market cheaper than any other can, and will of course have the custom.

To defend and to maintain command in this province, the Memorialist ventures to say it will be necessary to maintain such a naval establishment on the great lakes, and on Lake Champlain particularly, as shall hold command in them. This measure this Memorialist first had the honour to suggest and recommend at a congress held at Albany in the year 1754; this measure was then adopted, was for the first time in 1755 put into efficient execution, and proved a decisive measure in the events of last war.

Such a naval power is necessary for the defence of Montreal and Quebec; such is necessary to the maintaining of authority with the Indians, and to the keeping open the courses of trade and commerce; it is necessary to cover the advancing settlements of the province, as in time it shall be enlarged in population and habitation.

The possession of the province Nova Scotia,

Scotia, by the command that a naval station at Halifax may give, is necessary to the protection of the northern fisheries in America, at least to such share as this country may hereafter have in them.

The sort of interest and power which may arise from a right occupying of these provinces, will always retain some hold on the *thirteen tribes which have gone off from Israel*; and when war shall end, will make it their interest to seek the alliance of Great Britain: as, on the other hand, Great Britain will always find it her interest to maintain a maternal alliance with the Americans, her descendants.

It is an object of such interesting importance to the Americans and French, that Great Britain should not possess these provinces as an enemy, that they will certainly become an object of attack; Halifax and Penobscot will be attacked next campaign by the French and Americans, and most likely Canada also. The defence of these provinces, and the maintenance of these posts, is of such and so great importance to Great Britain, that all the force which can be spared for the North American service, ought to be united at these points, and not divided. They ought not to be frittered away by being stationed at posts where the service is not so decidedly necessary, and where, not by the fatality,

but by the natural course of war, they must surrender.

The defence of the province Quebec depends, 1st, on the maintaining of the naval command of the lakes; 2d, and next, on having within distance of supply and relief (and of mutual communication, where that can be contrived) strongly-fortified posts, with sufficient garrisons, *at the heads of the waters* of that province, on Lake Champlain, with outposts on Lake George and Wood Creek, and on the rivers St. Lawrence, St. Francis, and Chaudiere.

The erecting the district aforementioned, lately called Vermont, into a frontier province, under such establishments civil and military, under such tenure of property, and such frame of government, as shall make it worth the while of those individuals (both those who lead and those who are led) to wish to be under such government, would prove a measure that might be wrought to a principal part of strength.

Another part of defence and strength added to the province Quebec, would be a right establishment and administration of Indian affairs.

The settling such of the loyalists, refugees from the Americans, as choose to live

live under British government, in a way not to ruin but to preserve them, is not only a measure which honour, justice, and humanity require; but the settling of them in these provinces (if that be done as it ought to be) will in time become one of the principal means of defence and strength to them. The giving to these unfortunate and ruined people lands, in the common idea of that measure, would be cruelty under the cloak of benevolence; but the purchasing for such of them, who had been farmers, farms, in part brought forward into culture (called by the Americans improvements) and the settling them where they will be of the greatest use to the civil government, as also to the military defence, as a militia, would be an act wherein true wisdom and real benevolence would unite. To those who had not been used to farming, but were merchants, houses should be given, with the means of commencing again, in some degree, their business. Those who were merely tradesmen and mechanics will be more easily settled and reinstated. Those who in their original homes, from whence they have been driven, were advanced, or were advancing, to honours, and a share in the government of their country, will of course become subjects

for trust and employment with your Majesty.

The defence and strength of Nova Scotia will depend principally on a commanding naval force, whose port, dock, and station, will be Halifax; and on a strongly-fortified post, with a respectable garrison, at Penobscot; while the seat of government, removed from all interference of navy or army, resides at Annapolis-Royal.

When the present Memorialist was Governor of the province Massachusetts-bay, knowing the importance of that post of Penobscot, he took possession of it; and built a fort there, which the people named Fort-Pownall. The province paid the expence of the measure, as also continued to provide for the maintenance of the garrison there. He received the gracious approbation of his late Majesty, conveyed to him by Mr. Secretary Pitt; so that the importance of this post hath not been unknown, and is not new to Government. The people of Massachusetts know so well the importance of it, that they will not only make it a point of their own service, but will never cease to urge their allies to assist them in getting possession of it. Your Memorialist doth apprehend that measure to be already concerted and determined.

This

This post ought to have, as part of it's garrison, a considerable body of light-infantry or wood-hunters, employed as partizans in a continual range of *scouting* on the line of communication between Penobscot and Chaudiere, which will then be the line of frontier between New England and Nova Scotia; on which there ought to be such temporary posts as the Romans used, and called *stationes æstivæ*. There ought also to be a number of whale-boats kept here, as by means of such the most efficient and most speedy application of force might be made, whenever, in case of irruption, it might be suddenly wanted: and because, while we are always ready, the enemy would find it a hazardous enterprize, which they would scarce risque, to cross the Penobscot river, as they might be so easily cut off from retreat.

The having a fleet in the North American seas, which ought to be ascendant there, is necessary; 1st, to the defence of the provinces Quebec and Nova Scotia; 2dly, is necessary to the maintaining the communication between them, and the communication of the forces posted within them, to the supply of the same, and to the maintaining free and open the navigation to and from them,

to



to the West Indies and to Europe. It is necessary to the protection of the North American fisheries.

New arrangements will become necessary to be made either by reforming the civil, naval, and military commissioners, that they may no longer, as they have always hitherto done, both in jurisdiction and execution, interfere with each other, but conspire to the one great point, your Majesty's service.

*This Memorialist would betray his duty, if he did not here mention the necessity which will arise of establishing a Free Colonial Constitution of Government in these provinces; but he does not now enter into it, as that is an important matter of consideration separate from the present. It will however mix itself essentially in the consequences.*

The squadron posted at Halifax, and the squadron stationed in the West Indies, unless they are united under one general command as at present, will of course have their orders to co-operate, and to join in part or the whole, as the service in its emergencies, for which no instructions can be given, may require. The West India squadron will, in the ordinary course of service, convoy the trade up to the latitude of Bermuda, where the North

American Squadron will take it up, and convoy it to the Western isles, or perhaps only to the Banks of Newfoundland, as the case may require; and the European Western Squadron will be ready to receive it at its approach to Europe: and so by a like division of service from Europe back to America and the West Indies.

The consideration which arises upon your Majesty's island Bermuda, will come more properly submitted to view at the same point with that of Charles-town.

The possession of the city New York arises next to view. As this memorial hath stated above the necessity of the command of the province Quebec being carried up *to the heads of the waters* of that country; so if the command of New York had been, as it should have been, carried to the command of Hudson-river, the importance of it, and of maintaining it, could not admit a doubt. The command of the Hudson-river is the object; not the port of New York. This is not by its nature calculated for a dock-yard or a winter harbour; it may, if there were none else, be used as such, but with much inconvenience, and liable to accidents. Halifax is the place suited best to this purpose, and is at the same time a safer and more commanding station. The  
command

command of the Hudson-river, as this Memorialist hath on repeated occasions explained, might have given communication, co-operation, and *union of force*, to your Majesty's arms and government; and would have cut off, in the very spine, all that communication of reciprocal supply, all that co-operation and intercommunion of force, which was necessary to the enemy; but from the moment in which the command of this river was abandoned, the *terminus ad quem* being given up, the *terminus à quo* was of no more use in that view of service; which experience hath since sufficiently evinced, in the passing and repassing of that river by the enemy, as their co-operations of service required, or as it became necessary to cut off all co-operation between the parts of your Majesty's service. As to the keeping possession of this post for the purpose of trade, that will much better go on where there is no *military superintendency*. If *upon system*, looking and justly directed to that point, the operations of your Majesty's service had been carried to a general possession of *All the trading ports on the coasts*, Boston, Newport, New London, Newhaven, New York, the Delaware and Chesapeak bays, and Charlestown, that would have been another matter;

ter; but the possession of one or two only will have no other effect than the ordinary course of trade hath had, that of raising one port by the diminution of another, of raising that which is free, and depressing that which trades *sub hasta*.

In a military view it becomes well worthy of consideration, whether this post, instead of being merely defensive and protective, may not, like Gibraltar, prove an unceasing post of war, which will exhaust the resources and distract the forces of your Majesty's service. Besides, this garrison, unless there be an army also in the field, can never, as a garrison, cover the Staten and Long Island, much less the rest of the province.

Those who have alternately taken and lost Charles-town, are the best judges how far it is capable of being maintained under the present state of the service; are judges of the communication, as part of a system, which it may have with other parts of your Majesty's service; of the certainty of adequate supply and necessary succour it may depend upon. On the other hand, consideration will maturely weigh how much more this post (like that of New York) may exhaust the resources and distract the forces of your Majesty's service; as also how the garrison

son itself will be constantly exhausted by the nature of the situation in such a climate, so as to become a perpetual draught on the rest of the service. A garrison thus pent up on a neck of land, leads to no command in or protection of the country; and in point of commerce the same may be said of this as of New York.

The Memorialist would not presume thus to urge his opinion, did it not appear to him, that there is a port of much more use; much better calculated for general service; a *port* by means of which, if not at which, the North American and West India squadrons may form an union of service: a *station* which may be employed to the greatest effect, both in the protection of the trade of your Majesty's subjects, and in annoyance of that of their enemies: a *place* in which your Majesty's forces would live in the most healthy climate. If your Majesty should please to order your troops garrisoning Charles-town to change their position, and part of them to take post at the island Bermuda; to order that island to be fortified as strongly as the nature of the place (strong also by nature) and as the art of military defence can make it; as strongly as the nature of the service requires it should be made; every good  
purpose

purpose of an *important post* would be answered. It would become an *entrepôt* between the West Indies and North America, between the West Indies and Europe; a *place of refuge* to mercantile navigation in case of distress or danger in those seas; a station of annoyance, both by frigates and privateers, to your Majesty's enemies in case of war: and would be found of twenty times the importance which Minorca \* now is in the Mediterranean sea.

As to the provinces Georgia and East Florida, if the Memorialist dared, from general ideas of the general service, to express an opinion on a particular point of service, where *facts* have never yet been ascertained, as to the benefits of these provinces compared with the expence of their establishment and their use; as to the state of their command or defence; and as to the effect of a British government there; he would say, that if, on some good occasion, and for good and sufficient consideration, they were ceded to Spain; the Spaniards and Americans might here make the first experiment of their alliance and mutual amity, in the settlement of a *line of dimarcation* between their respective domains; as also of articles of friendly commercial intercourse

\* When this Memorial was written and communicated, Minorca belonged to Great Britain.

of their subjects on these frontiers. This his opinion is founded, amongst other sentiments, on a belief, that the one or the other of these Powers would soon apply to your Majesty for your royal mediation, if not for your protection.

The same, if not something more, and more particularly decisive, may be said as to those parts, where the French military force (like the rider which the horse took to his aid) is ascendant in alliance with the Americans, of the effect of your Majesty's withdrawing your operations from interfering with the harmony of this alliance.

By these means (formed as the combination of events now is) the troops, instead of remaining posted in stations that give no protection, that have no co-operation; that are liable to distract the efforts of your Majesty's service, and that are liable to be cut off from communication of supply and aid; would be so drawn together, as that they would have communication and co-operation; and give protection to your Majesty's subjects and provinces, and force and efficiency to your Majesty's command and government; and form a conspiring united system of that command throughout your Majesty's dominions in America connected with Great Britain.

By

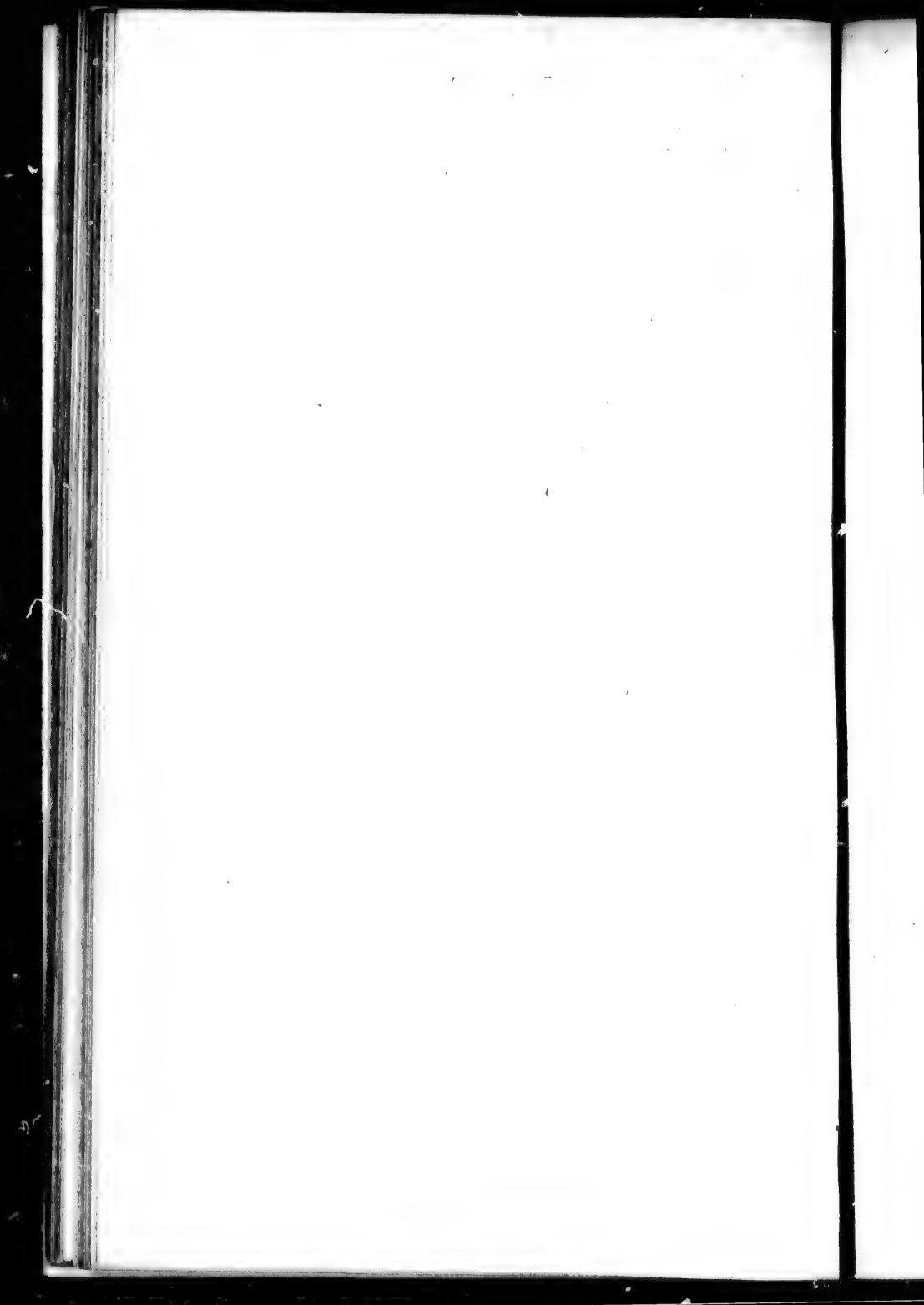
By these means your Majesty would soon find yourself holding the balance of power between these new allies of that country: a power that would carry command wherever it was called upon to interfere.

All which, in perfect zeal and duty, and upon his allegiance, is most humbly submitted.

*Richmond,*  
*Jan. 2, 1782.*

T. POWNALL.





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## A P P E N D I X,

CONTAINING SOME ARGUMENTS WHICH  
WERE IN THE FIRST DRAUGHT OF THE  
MEMORIALS, BUT WERE LEFT OUT IN  
THE SECOND DRAUGHT AS THEY NOW  
STAND AND WERE TO BE PRESENT-  
ED.

**T**HAT the idea of the sovereignty which the British State claims over America, and against which, as it was claimed, America hath revolted, may no longer hang suspended over that metaphysic ground on which it was at the commencement of the quarrel first stated, and on which it hath been labouring, until the business itself is quite ruined in operation and nearly rendered impracticable in negotiation: it is in the following paper stated *on the ground of fact*, as it stood in act and deed before the revolt of the Colonies, and as it now stands since

the journey of British Commissioners to America.

The British idea of the British sovereignty is, That the Americans as individuals, as also in their respective provinces, colonies, and plantations, are indissolubly united to the *British State*, as subjects thereof, without being participants in the governing legislature: That they are subjects of a monarchy, in and over the limitation, settlement, and establishment of which, wholly residing in Parliament, they have no legislative controul: That they are subjects of the King, not in the same manner as a Briton, who is a participant in the will of the state, is subject to the King, but subject to the *King in Parliament*. The Americans always held they are and ought of right to be subject to the King in the same manner as a Briton is a subject; but conceive that *the King in Parliament* is a compound monarch, in whom is united legislative will and administrative execution, and who is therefore in essence and de facto absolute and despotic.

These two ideas, if there can be no modification in the one or the other, are so remote, and have such incompatible disparity, that they could never be brought to, or stand on, the same ground together.

together. They never could unite in administration of the government of the Colonies; and can never meet in any negotiation of their business as they now stand towards each other.

No system of the administration of the Colonies could ever harmonize, much less unite these two repugnant and discordant ideas, so long as, or whenever the People on the one hand, and Officers of the Crown on the other, were extreme to mark, without any modification, the utmost bounds of either.

The government of the Colonies was always, by those who referred to the *actual* predicament in which the constitutions stood, and not to legal theories, which existed only in the remembrance of law, conducted by that sort of address, and under those mutual acquiescences, by which the marriage state goes on; wherein, whilst one seems to govern, the other actually does so: and which, though sometimes disturbed with temporary misunderstandings, is upon the whole the happiest state.

Those of the King's servants in America, who administered the royal powers under this idea of *practicable sovereignty* harmonized with *actual liberty*; and who by their conduct could acquire an interest

and ascendancy in the opinions of the people; could, and did govern the Provinces. Those Governors, and other Officers of the Crown, who could not find in their administration to admit of any modification of the strict legal idea of sovereignty, so as to set it on the same ground with that liberty which the people called constitutional, and claimed: those who thus referred to an ideal sovereignty, which never did exist in America, and could see and admit an actual liberty, which did exist, never could and never did govern these Provinces. On the contrary, they perpetually brought the rights of the Sovereign into discussion; and as constantly committed the honour of the Crown in disputes, wherein it always lost some part, and have finally brought it into a contest wherein it hath lost the whole. This is the opinion, and was the system, of a poor practical Governor, who did govern his Majesty's provinces; this is *the leaf out of his book*, which the late Earl of Halifax directed him to give to his successor, Sir Francis Bernard, *that he might govern them as well as they had been governed* by the forgotten servant who writes this.

This idea of harmonizing, by practical modifications of *Sovereignty and Liberty*, the

proceedings of Government on *constitutional ground*, was the idea by which the Americans drew the line of their rights and claims. This ground, on which the administration of the government of the Provinces had *in fact* always stood, was the *old ground* which they petitioned to be placed upon, and which they took and fortified, in order to maintain, at the commencement of this unfortunate contest.

When the Americans were told from authority, supported by arms, \* that “ *No line could be drawn between the supreme authority of Parliament and the total independence of the Colonies*”—when this alternative was the only ground left—they declared themselves FREE AND INDEPENDENT: And,

1st. *That all allegiance to the British Crown is absolved.*

2d. *That all political connection with the state of Great Britain is dissolved.*

The contest issued in an appeal under arms to Heaven. Events, *by something contrary to the estimation and ordinary course of human affairs*, have declared against Great Britain. She therefore, under powers originating in Parliament, and by Com-

\* Governor Hutchinson's speech to the Assembly, June 6, 1773.

missioners commissioned and instructed by the King, has *de facto* acknowledged those Provinces, Colonies, and Plantations to be States. And by propositions made, hath offered to consent to the establishment of every State, with power, by its own legislature,

1st. To settle its own revenue.

2d. Its military establishment; so that no military force shall be kept in the different States of America, without the consent of the general Congress or particular Assemblies.

3d. To exercise perfect freedom of legislation and internal government.

If now, in the same view as this paper hath stated the actual existence of the sovereignty prior to the revolt, the Minister of the time being shall examine what operation this state of sovereignty, which the Commissioners proposed to consent to, must have; they will find, that these States, thus become independent in legislation and internal government, independent as to the purse and sword; and being removed from Great Britain at three thousand miles distance; this proposed sovereignty left to the mother-country could in principle be but a half-sovereignty, and in execution no sovereignty at all.

Although these propositions were not accepted; although the government of Great Britain is by no law, human or divine; by no point of justice, express or implied; by no obligation, perfect or imperfect; bound to meet the same parties on the same ground: yet, this cession having been proffered by persons authorised from King and Parliament, and these propositions not disapproved, but the persons who made them rewarded; being made when America stood on the defensive; Great Britain, who retired back to this ground under the then predicament; can never, under the present circumstances of the British arms, advance forward *de facto* to better.

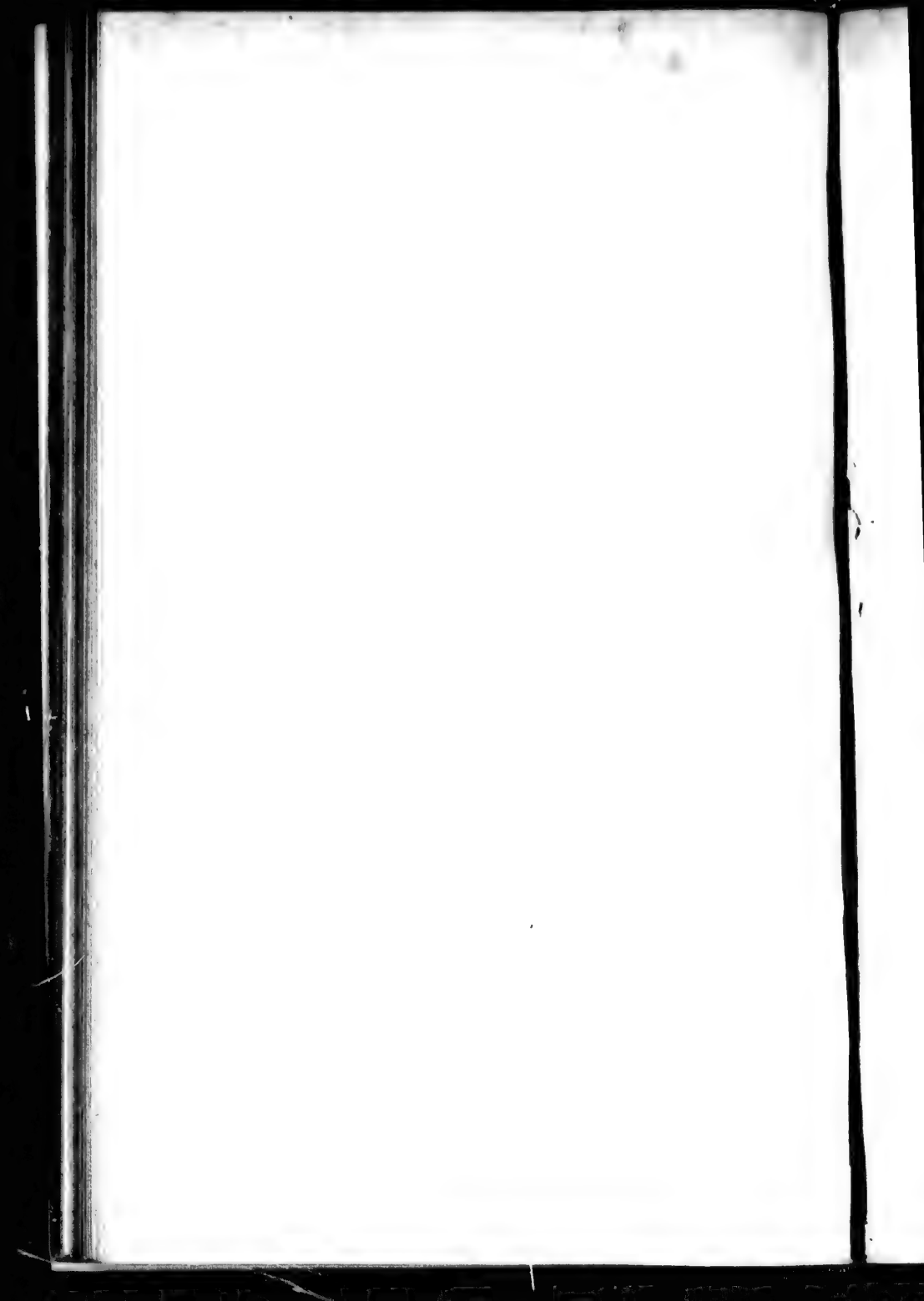
The writer of this paper, having submitted to consideration, on the grounds of fact: First, How the sovereignty existed in efficiency, prior to the revolt: Secondly, On what ground it must now stand, as the state of our negotiations have placed it: And, thirdly, having in his second memorial, by a detailed state of the service, shewn how it stands committed, in consequence of the events of war; cannot perceive that he exceeds the bounds of duty, which a faithful subject owes to his King and Country, when he recommended, in his second memorial, the withdrawing  
the



the troops from a subordinate contest in North America, which must be decided by other events elsewhere; or that he offends against the strictest bonds of his allegiance, when he recommends the treating with the Americans *as with Free States*, for a truce, on terms of *uti possidetis*, as preliminary to a general congress of Europe; while, saving the honour of the Crown, he removes the stumbling-block which lies *in limite*, and recommends what may be made practicable: Nor that he could incur the imputation of betraying the Crown, if he was a Minister, and should advise, in case the sovereignty can neither be preserved by arms, nor re-established by treaty, not a surrender or a cession, but a withdrawing from the dismantled ruins of a fortress, no longer defensible or tenable.

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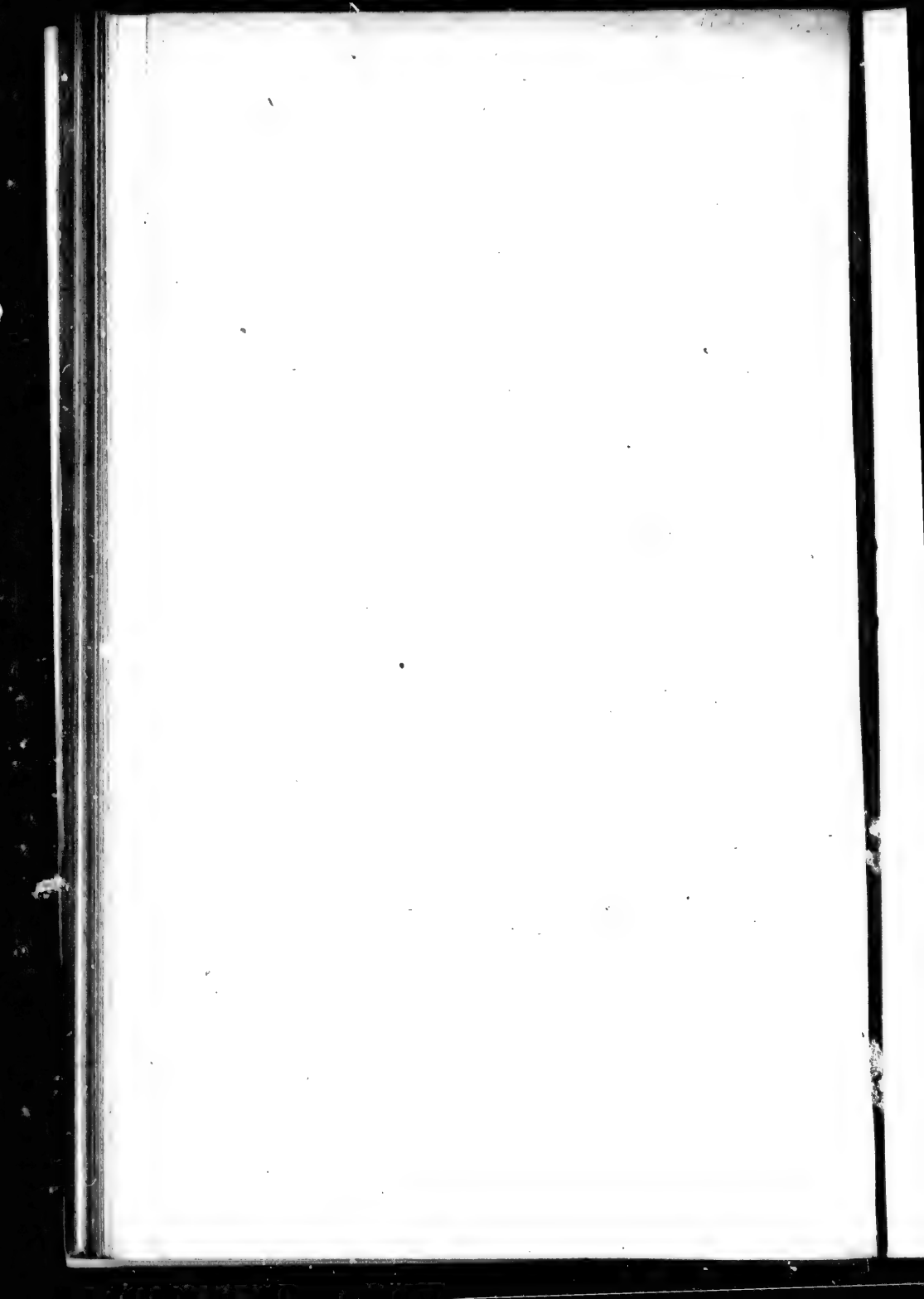
To make Principles or Fundamentals, belongs not to Man, to Nations, nor to Human Laws: to build upon such Principles or Fundamentals, as are apparently laid by GOD in the inevitable Necessity or Law of Nature, is that which truly appertains to Man, to Nations, to Human Laws: to make any other Fundamentals, and then to build upon them, is to build Castles in the Air.

*Harrington's Political Aphorisms, No 85.*

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L O N D O N:  
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## ADVERTISEMENT.

THE following Paper states and explains the System of the New World in America ; the natural Liberty of the Individual settled there ; the Frame into which the Communities of individuals (prior to all consideration of Political Society) naturally form themselves. By these principles it leads to the discussion of the nature of their States and their political Freedom ; of the nature of the Confederation and General Government ; and from hence the Spirit and Temper of Polity, which may hereafter form *the Reason of State*, or System of Administration in the affairs of that Empire, are sketched out.

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As the several matters which range under this general Subject are intimately interwoven with the *Essence*, and deeply interest the *Existence* of this Sovereign Empire, they ought to be apparent to, and to be understood by, every Citizen of America, who has a share in the business of his Country: this Memorial, therefore, is addressed to the SOVEREIGNS OF AMERICA. It is, moreover, published to the Citizens at large, as “*What concerns All, should be considered of by All.*”

A practical knowledge of the matters contained in this Paper, especially of those points which respect the *new System* of a New World; a knowledge of the *Constitution* of the General Government, and of the ground and  
move-

movements of the American *Administration*, is indispensably necessary to every Statesman in Europe, who may have Connections and Habits of business with this New Empire; this Paper is therefore published to Europe at large.

It is not written for the Reading, nor calculated to the Reasoning of British Politicians: it is drawn by a Scale below such Sublimity: its home-spun reasonings will be unintelligible to British Statesmen. A few Copies, however, are reserved for the inferior class of Readers and Reasoners who will understand the Memorialist.

If He could flatter himself that the Statesmen and Politicians of Great-Britain would descend from

their Superior Regions, and condescend to cast an Eye, or rather a Thought, on such a trifling Paper of such an unexperienced Theorist as the Memorialist; He has only to caution them against *patching* their politics with the only *remnant-rag* of their folly that sticks to their backs, viz. *an Idea that an UNION with America, or some part of it, is practicable and politic.* This proposition, *framed into a measure*, is the only one left to compleat, beyond redemption, the Ruin of this Country.

A  
M E M O R I A L

ADDRESSED TO THE  
SOVEREIGNS OF AMERICA.

HAVING presumed to address to the  
SOVEREIGNS of EUROPE a Memorial, stating,

1st, The Combination of Events, as  
they stood in fact and operation between the Old and New Worlds,  
between Europe and America:

2dly, Marking the train of consequences  
which must have been the Effect of  
this combination, and which is in  
part arisen into Event by the Establishment of the Sovereignty of the  
American States :

3dly,

3dly, and lastly, Suggesting what that spirit of Policy, and marking what that line of Conduct ought to be, with which *the advancing State* of things should be met :

Permit me now to address this Memorial to YOU SOVEREIGNS OF AMERICA. I shall not address you with the Court-titles of Gothic Europe, nor with those of servile Asia. I will neither address your Sublimity or Majesty, your Grace or Holiness, your Eminence or Highmightiness, your Excellence or Honours. What are Titles, where Things themselves are known and understood ? What Title did the Republick of Rome take ? The State was known to be Sovereign, and the Citizens to be Free. What could add to this Glory ? \* Therefore, UNITED STATES

\* If it were necessary for the American States to take a Stage-name in the Diplomatic Drama of Politics ; to assume for their Title of Address some *noun substantive* expressive of the Spirit and Virtue which is supposed peculiarly to reside in them ;

STATES AND CITIZENS OF AMERICA,  
 I address You, as You are; I do it under  
 every sense and sentiment of Reverence to  
 Your SOVEREIGN STATION; and under a  
 conscious sense of the distance of my own  
 private one. And yet, from the relation  
 which I have formerly borne to the States,  
 both when † I served them under their  
 command,

them; I would address myself to THEIR FREE-  
 DOMS. This is the peculiar gift of Heaven; this  
 is the Spirit of their Cause and Establishment. Be  
 this their Holiness, their Grace, their Excellence,  
 their Honour: be this their Polity, and they will  
 establish the Majesty of the American Union, and  
 will rise into high and mighty States.

† The first Public Commission that this Memo-  
 rialist held, the first of his honours, an honour which  
 he esteems as highly as any that he hath ever since  
 enjoyed, was that of being Commissioner sent from  
 the Province, now the State Massachusetts-Bay,  
 to negotiate an Union of the Forces of Pennsylva-  
 nia, New-Jersey, and New-York, with the Forces  
 of New-England, in an expedition against Crown-  
 Point, in which negotiation he succeeded, and which  
 expedition gave the first turn to the fate of the War  
 of 1755. He began his course by learning to serve  
 them, and he afterwards so commanded as to obtain  
 the approbation of those where he governed, and the  
 honourable testimony they bore him. Afterwards,  
 in the private station to which he was consigned in  
 his

command, and after when I commanded —I address You in the consciousness of something above ‡ a Subject, in that of a Citizen. I address you not only as SOVEREIGN States, established and acknowledged ; I congratulate You as FREE States, as founded on and built up in the Principles of Political Freedom. I congratulate Human Nature that it hath pleased God to establish an Asylum to which Men of all Nations who wish for

his native land, he invariably endeavoured to serve the Cause of Freedom and Peace ; he had the means and took the occasion to become an *efficient spring*, though not permitted to be *the Instrument* of Peace. Born in that part of his Nation which inhabits Great-Britain, but having been employed as a Political agent only within that part which possesses America, he esteems himself, politically speaking, a *Citizen* of America, though by birth a *Subject* of Great-Britain.

‡ I derive my distinction from the Romans : I adopt the precedent from the Commissioners Plenipotentiary of America. The Romans say, *Non in regno Populum Rom. sed in Libertate esse* : and the Commissioners, with the most exact precision, mark, in the provisional Treaty with Great-Britain, the characteristic of those who are *in regno*, and of those who are *in libertate*, by this expression, the "*Subjects* of the one, and the *Citizens* of the other."

and

and deserve Freedom may fly, and under which they may find Refuge. In the contemplation of this wish, and in the view of this general happiness to mankind, as it may depend on your establishment, I presume to address this Memorial to You.

Accept with gracious interpretation and condescension my Apology. I feel that it would be an impertinent assumption, nay, that it would be ridiculous, were I to presume to advise the States in the course and practice of Government. The free Citizens of America, whose practice from their youth is in the business of their Township, of their County, of their Country; whose discipline and whole education, whose character, is in constant training to the knowledge and exercise of Government and its powers; will in their reasoning prove more reasonable, in their actions more efficient, and in their political conduct wiser and more *à fait* in the affairs of their *new world* than the first Statesmen of Europe, who have acted on



the stage of the *old one*. A free Citizen, participant of the Sovereignty of his State, who learns and is practised in rotation of offices, both to serve and to command, feels by habit in his mind, as he doth in his animal frame, almost mechanically, and without adverting to the reason at the time, the measure and the movement which every surrounding circumstance calls for. The character, thus acquired, creates in the *reasoning* Agent the self-conscious feel of its natural energy: as the habits of exercise in the body give to the *moving* Agent the animal feel of self-poise. In taking, however, a new station, in standing amidst new and unexperienced relations, the Agent feels the center of his animal poise removed; he feels somewhat that did not make part of his former self-consciousness: he is, for a time, as it were, on a constrained Balance of Mind and Body. In this situation he finds and feels, that not old habits, but new exertions of discernment; a spirit of investigation and induction; an analysing

Spirit applied to new matter, not a compounding judgment on the old, must come forth and act. Under circumstances important, in situations pregnant like these, the American Politician and Statesman, whose training and practice is in a course of experiments, as in the new philosophy, will not refuse to hear any advice which is suggested, will not reject the offers of any service, though he neither calls for the one nor wants the other. Making his experiences in every line of reasoning, in that of others as well as his own, he will frame and found his own resolutions on his own reasons so informed.

The Scite and Circumstances into which your Affairs were brought in the year 1776: and your self-consciousness prompting you to find that you were not *in fact* what political establishments had made you *by law*, a Branch of a family, subject to and dependent on another Branch of the same family as your Sovereigns; but that you were what nature had wrought you up to, equal brothers of the same family:

feeling yourselves driven by necessity to a separation “ from the political Bands  
 “ which had hitherto connected you, You  
 “ found it necessary to assume, amongst  
 “ the Powers of the earth, that Separate  
 “ and Equal Station to which the laws of  
 “ Nature and of Nature’s God intitled  
 “ you : and therefore Declared, that the  
 “ United Colonies of Britons in America,  
 “ were and of right ought to be, FREE  
 “ and INDEPENDENT STATES.”

This, like all other revolutions of Nations, hath been contested by arms. *Sweet Love changing its nature turns to bitterest hate* ; severe therefore and destructive has been the war of Brethren. The appeal was to Heaven : and the success of your Cause hath exhibited an encouraging example to mankind that the vigour of natural principles will, where they can act and are exerted, although with an inferior force, prove in the end impregnable and irresistible to mere force, however supported : That a System of measures founded in the nature of things,

things, and actuated by the direct rule of Common Sense, must always rise superior to and overtop all establishments founded in the devices of Men, and built up in all the Art and Mystery of Politics : That a Conscious Spirit, which such circumstances inspire, will bear up against and finally bear down all artificial courage of Military Power, howsoever trained and strengthened : That a Cause so founded, so animated, so conducted, will predominate and be established. It hath been the decided will of God, that this your Cause should prevail, and that your Independence and Sovereignty should be acknowledged by the Sovereigns of the earth, now your equals.

As I recommended in my Memorial to the Sovereigns of Europe ; so in this now addressed to the \* MAJESTY OF THE PEOPLE

\* This expression, which the Memorialist will have frequent occasion to repeat, is justified in the precedent of the forms used in expressing the Sovereignty of the Roman People, as used in some of their Treaties;

PEOPLE of America, the whole argument recommends to their consideration;  
 1. What the precise change of their System is. 2. What may be the general consequences of such change. 3. With what spirit, and by what conduct *the advancing state of things* should be met. The investigation of these points can be pursued only by that self-collected frame of mind within yourselves, combined with a plain and sober love of Truth; which will consider well *of what spirit you are*; which will state Persons and Things *as they really exist*; and will, in the right Spirit of Sovereigns of a State founded in Political Freedom, treat them *as being what they are*.

The moment that you became, *de jure* by the Law of Nations, acknowledged independent and Sovereign, equal to other  
 Sovereigns

Treaties; *Majestatem Populi Rom. comitèr conservent*: and as a common form in their acts of Government; *Fit Senatùs Consultum, ut Imperium Populi Rom. Majestasq; conservaretur. Cicer. pro Verriè.*

Sovereigns of the earth, and having no reference but to yourselves, was the moment of your greatest difficulty and danger. I have, with an anxious zeal for the liberties of mankind, considered these difficulties and this danger ; and it will be one purpose of this Memorial, to state them, first as they respect the existence, next as they respect the Constitution of this Sovereign.

This moment will show whether the States and Citizens of America are capable of establishing and of permanently maintaining this independent Sovereignty ; are capable of actuating in truth and fact this spirit of political Freedom, first, as it derives from yourselves ; secondly, as it may depend upon your Leaders ; and lastly, as this spirit and this establishment may be affected by those Foreign Powers with whom as neighbours, with whom as Guarantees, with whom as friends by alliances, this Existence stands connected.

It hath pleased God to establish your  
Sovereignty

Sovereignty by the force of arms; it hath pleased him to fix the rights of your equal station with the Sovereigns of the earth in the rights of Treaty, and that your Empire should be acknowledged by the Law of Nations: He hath, however, so wrought, according to the usual dispensations of his providence, that you must work out your own salvation. If you are not in your *Principles*, in your *Spirit*, in the *State of your Confederation*, in the *Constitution* of your General Government, in the *Powers of your Union*, as yet ripe for Political Freedom and formed for Empire; \* your Liberty is immature, your Sovereignty is premature. The first danger is, if you mistake your Spirit, if you neglect to build on your real foundation, as it is laid in Nature, or if you raise a superstructure not consonant to it. Examine, therefore,

\* Neque ambigitur quin Brutus, qui tantum gloriæ, Superbo exacto Rege, meruit; pessimo publico id facturus fuerit, si libertatis immaturæ cupidine priorum Regum alicui Regnum extorsisset.

*Liv.*

therefore, of what Spirit you are: Search thoroughly and survey the Ground that is the foundation of your General Constitution, and, attending soberly in reason, and not in the partial unequal movements of passion, distinguish the operations of Polity which arise by the energy of natural principles, from those which are forced on by art, and constrained by violence against Nature. Follow those principles in the order of your Superstructure: and when the great Machine of Government is formed, actuate it by the Spirit of Freedom as it lies in Truth. Feel, as one soul, the concentrated Vigour of Sovereign *Imperium*: feel the self-poize of your natural Station, the Center and balance of your Force; the course and range of your organised energy; the Spring of Activity in your political person: and you will find it no difficult matter to stand firm on the Basis of your Sovereignty: You will experience but little obstruction, at least such as is of little consequence to the exercise

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and



and administration of your *Imperium*. You will feel the meanwhile the expanding powers of your Liberties and Freedom come forward, by a natural vitality, into Fruit, the fruits of Peace, Plenty, and the solid permanent happiness of Being.

These are not words of course, this is not mere harangue: those who knew the States and Citizens of America, as it was my duty to do, and as I did, saw, not from an *ex post facto* view of the Effect as it is now decided, but in the operation of the Causes working to this certain effect, and pronounced, not in vague and general terms of harangue, but in defined specific declarations of leading Facts, that Ye were ripe for Political Freedom; that the foundation of a great Empire was laid; and that it would arise into Establishment. And thus this your Memorialist, in his Memorial addressed to the Sovereigns of Europe, stated you.

That you have united, at the risk of every

every thing which forms the happiness and existence of Man, to oppose the Measures and *Provincial* Government of your late Sovereign : that you have persevered in your resistance to the emancipating of Yourselfs from all regal Power : that you have taken the Government into your own hands : \* that you have conducted it with such spirit through so many difficulties and dangers in war, and in treaties, is no unequivocal demonstration to all mankind, that the spirit of freedom and a right sense of Government dwells in the Citizens of America. If, when these Citizens come to the forming of the political establishment of their General Government, an uniform Idea of Self-estimation (each aiming to be that, and no more, than he really is, and all treating

\* Non inopiae Aetarii, non vis hostium, non adversa res ingentem eorum animum subegit, quin, quod virtute ceperant, simul cum animo retinerent. Atque ea magis fortibus conciliis quam bonis praeliis patrata sunt. *Sallustius* sic scribit de ortu et progressu Rom. Imperii,

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each

each other invariably as what he is in his individuality) actuates the People; if a temper that equalizes every participant of the Community in the rank and order in which he is a Member of the State, actuates the body of the People; if a jealous guard over the rights, property, lives, and security of the People, interwoven with a conscious Reverence for the Honour of Government; if a heartfelt duty, active in the support of Government, combined with a prompt and active spirit of resistance to every thing which would obstruct or abate its operations, forms the character of the Americans: if this spirit animating the body of the people, actuates their leaders; the State, bottomed on the real and actual foundation as it lies in the Community, will be built up in its Constitution conformable to it;\* and the Power of the Govern-

\* The reasons why the American Empire will not be liable to the division of interests, and to the

Government and the Spirit of the People will conspire in the Administration of it. This power and Spirit so combined pervades the whole in its reasoning part, and gives spring to the whole in every act of Government. It equally exists in the passive virtue of Obedience, as in the active duty of Command. Liberty will feel the conscious sense of confidence and uniform obedience; and Government, governing by the lead of the People, will command irresistibly. There can be no contention for, nor acquisition of, unequal Domination in Men; but the Contest will be (so it was at Rome in her happier days) who shall best promote the interest and honour of the State in serving, or best exert it in governing. On the contrary, where there is a reluctance in the Individual, arising partly from a want of entire assurance in himself and his political situation, and partly from a jealousy

the ruinous contests which took place in Rome, will be given by the Memorialist in that part which considers the Constitution.

cf

of those in other situations, to establish such power as is necessary to render the State AN AGENT ; where there is a resistance to the command of all above, and a desire of Domination over all below ; where there is an impatience opposing itself reciprocally to all command on one hand, and to all check and restraint of power on the other ; where that temper operates in the People, or actuates their Leaders, and is mistaken for the Spirit of Liberty : either the State is not founded on the true basis of the People ; or is not built up in its constitution according to the Frame of the Community ; or there does not reside the true and genuine spirit of Liberty in the Community, operating to Political freedom in the State. Let the Citizens of America therefore enter seriously and in earnest with themselves into the enquiry : Whether they find within their Community a Spirit of Attraction operating, as an internal principle, to Union ; or whether their Community

unity has been compressed into its present Confederation only by an external cause, and will remain so compressed so long as, and only so long as, that power shall act upon them from without. Those who, at the time of the commencement of these events, knew the character of that People, and watched their conduct, knew that the vigour of natural Principles drew them to resist the unnatural violence of *Provincial* Government. This Vigour of natural Principles gave Unity, Wisdom, and persevering firmness to their Councils; and the ardour of the Spirit of Liberty gave strength to their own arms, and rendered them impregnable to those of the Enemy. If, examining the temper and spirit of the people, and the Conduct of their Leaders, they find that the same principles continue now to operate from an internal attraction when all external compressive causes are removed; if the same spirit of liberty continues to act, in a perfect reciprocity of those rights, which

each

each individual, according to the frame of the community, is entitled to ; if the collective Spirit of these Sources has a direct tendency to form into political freedom, to which all are ready to sacrifice ; the Citizens of America may be confident *that their Liberty is Mature*. They may and will establish the Sovereignty of their States, and the United General Government as Independent and in Freedom.

The train of events, extraordinary as they have been, hath established their *Imperium*, and by the Law of Nations they are acknowledged to be, *de jure* as well as *de facto*, SOVEREIGNS. A second line of consideration, therefore, parallel to the former, leads to the enquiry, What the genuine *Spirit of Sovereignty* is, and whether it exists as a *political Principle* in the Community, is combined with the Constitution as a Vital principle of the State, and actuates the administration of the general Government.

If the spirit of Liberty, in a people  
founded

founded as a state in political freedom, and built up in a Superstructure consonant to the actual frame of the community, inspires that people with a sense of its own security in that foundation, and therefore animates it with that confidence which such principles give : that People will feel, that, as They at large are represented by their elected Delegates, so is the Majesty of the People represented by, and resides in, the Sovereignty, which they have established. They will repose themselves in this as their Palladium ; and will, as Participants and Constituents of the State, trust and give full Confidence to the Supreme Officer or Officers, whether permanent or changing in rotation, who administers and executes that Office, whose Honour, Dignity, Power, and \* Amplitude,

\* This word *AMPLITUDO*, as used by the Romans, is included under the general Idea *MAJESTAS*, and means pretty nearly the same, or something similar to our English word *Prerogative*. As that word has been applied to a Monarchy, I have

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adopted



tude, is the Representative of this Majesty.

The Word *Sovereign* is a Gothic Feudal term ; it precisely meant the Supreme *Command paramount* over all other subordinate Commands, where those commands, however, were sovereign within their own jurisdiction. It is *Super-regnum inter regna minora*. I hope, wherever in this Memorial I use this Term, to be understood according to the strict definition of the word *Majestas*, used by the Roman State, as the collective idea under which are included and reside *the Jura, Imperia, Fasces, Dignitas, Potestas et Amplitudo Populi Americani*. Under this

adopted in this Tract the term which the Romans used under a Popular Government, meaning a *Fullness of Power*, which should not, in all cases, be defined ; and is best held without definition, so as to exert itself in all cases *pro Salute Populi* ; but which is yet effectually limited where that people, thinking it hath unnecessarily adopted, or in its exertions exceeded *that Lex Suprema*, interposes to check it. *Majestas est Amplitudo & Dignitas Civitatis. Cic. de Orat. 113. Majestatem minuit qui Amplitudinem Civitatis detrimento afficit. Cic. ad Heren.*

Idea,

Idea, and under this definition of Sovereignty, the Memorial proceeds to enquire whether there doth actually exist in America *that Majesty of the People* under which, and within which, the rights and liberties, the power and prerogative, the honour and dignity of the States and Citizens are collectively concentered: and *whether this is actually so established as to be the efficient Government.*

If a right Sense of this Spirit of Sovereignty, thus established in, and combined with, political freedom, pervades the feeling of the people; is conscious that the collected information and reason of the whole concenters in this Majesty; that the combined Force of the whole springs from this Center of Power and activity; this sense will dwell in the opinion of the people with all that esteem for the wisdom of the *Imperium*, that respect to its Authority, that veneration of its Honour and Dignity, and that *Consensus obedientium* under its power, which

alone forms the principle of the Sovereignty (I had rather say) the Majesty of the People as free Citizens. On this principle they will establish this Majesty with such powers as are necessary to give it efficiency; for not to feel that they may venture to give full scope and efficient powers to it, is to doubt of the foundation of their own Freedom, is to withhold the real establishment, while they set up an Idol with which to Mock themselves. They will rather give it such **AMPLITUDE** of power as may enable it, in all cases, not defined and not definable, to secure and promote the *Salus Populi*.

Sovereigns as they are, and are declared to be by the Sovereigns of the Earth their Equals, if they do not form one general Efficient *Imperium* as the Political Center of the Union, as Representative of the Majesty of the whole Sovereign Confederation; as the executive spring of self-motion and Force in the State; the Liberty, Independence, and Sovereignty of the  
several

several States will prove exactly such as T. Q. Flaminius, by order of the Roman Senate, affected to restore and to give to the States of Greece; or such as the policy of the same Senate directed Paulus Æmilius to form the four Free and Independent Democracies of Macedonia upon—so independent as to have no alliance of Polity, or intercommunion of Trade with each other. This Memorial will not enter into the detail of this adduced example; for if the reading of the History is not sufficient to awaken a jealous sense of this Situation, Reason will but more tire and deaden that Sense. All, therefore, that will be here done is to recommend to the serious contemplation of the American States, to compare in those examples the measures taken, and the events which succeeded, to their own situation, in an anxious looking to future events. This is said in excess of caution: but One may hope that it is totally unnecessary. If the Memorialist is not mistaken in his idea

Idea of the free People of America, He should rather think they will cloath it with such Honours and Dignity, that its Authority rather than its power may be seen, and be willingly submitted to: but they will yet arm it with such Powers as shall maintain the *Imperium*, and bear down all unconstitutional recoil against it.

If this genuine Spirit pervades the character of the People, those amongst them, whom the Sense and Opinion of the People destine to be Rulers, will be trained to the character of Sovereigns, and, when actually cloathed with the Majesty of the People, will feel a consciousness, not of the pride of their own person, but of the Honour and Dignity of the People. Under this conscious sense they will, as the Consuls of Rome did, act the Character of Sovereigns in a higher tone of dignity than Kings and Princes, whose conscious feel of Majesty is centered in their own narrow Selves. They will act  
with

with less pride, but more commanding ascendancy ; with less violence, but with greater effect ; with less Craft, but with more Wisdom ; with Truth, Honour, and the real Spirit of Majesty.

If this Spirit of Sovereignty does not reside in the People ; if, through defect of this, the State is not formed to act as a Sovereign with all the Majesty of the People ; this New Sovereign may, like a Meteor in its rapid trajectory, blaze in the Heavens, and astonish the Earth for a time, but will not be found in any uniform revolving orbit, nor become established as a permanent System.

Ostendent terris hunc tantum, Fata neq; ultra  
Esse sinent.

On the contrary, if they find within the Community the Self-spring of Government ; if they are conscious that they have formed their *Imperium* in this Spirit, and not in the Spirit of Domination ; if they have established their Government, as in political Freedom, so in Amplitude  
of

of Majesty, the Spirit of Heaven will answer their call, and inspire their cause. "*I have become,*" it saith, "*a glorious diadem to the remnant of the People :*" 1. *Arise, ascend thy high seat :* 2. *Cloath thyself with thy power :* 3. *Lift up on high thy Standard to the Nations."* Establish your Sovereign Government; Cloath it with the Majesty of the People; and claim, insist on, and maintain, in all its amplitude, the honour and dignity of this Sovereign Majesty with all the Sovereigns of the Earth.

Having examined the nature of the *Spirit of Liberty*, the nature of the *Spirit of Sovereignty*, as forming, when combined in the natural principles of a People, the *Effence* of efficient Government founded in freedom,—this Memorial proceeds to the examination of those relative matters which may, both internally and externally, affect the *Existence* of that Free and Independent Sovereign.

A newly - established State viewed  
under

under the circumstances of its Birth, and with reference to those relations amongst which it must, in its first years, take its course, will be seen to stand in the same predicament at its first establishment, as Man, the Individual, doth at his birth. Cicero, in treating of the best possible Republic, takes his ground of reasoning from this reference: "*Homo non ut a Matre, sed a Novercâ Naturâ editus est in vitam; corpore nudo & fragili & infirmo; animo autem anxio ad molestias, humili ad timores, molli ad labores, prono ad libidines, in quo tamen inest tanquam obrutus quidem divinus ignis ingenii & mentis.*"

It hath not, however, been so with the American States at this their coming forth. They have been in their infancy nurtured and protected by Great-Britain as by a mother, between whom and her children there has been the purest reciprocation of maternal affection and filial Piety, until evil councils broke the tie. Under this

F relation



relation these States arose to manhood : all, therefore, which Cicero refers to in his allusion to the birth or first establishment of a Republic, *de corpore nudo & fragili & infirmo ; de animo anxio ad molestias, humili ad timores, molli ad labores ;* all that he refers to as to the wants, defects, infirmities, and weaknesses, of Infancy, doth not apply, either in mind or body, to those States adult in manhood, before they took their station of Independence. \* “ *They are already hardened into Republics.*” They are come forth in full maturity of age. It is however at an age *prona ad libidines*.

As man in his youth lives under a perpetual conflict of his passions ; so have all States, so will the States of America, at their first emancipation to liberty, feel, in the effervescent temper of their youth, the same tumults in the bosom of the State :

\* This is an expression of the Earl of Clarendon in the MS. draught of his plan for sending Commissioners to America in 1664.

they

\* they cannot therefore too carefully watch over their hearts, that, while they think that they are cultivating the sacred Love of Liberty, they may not become inflamed with the libidinous passion of Licence. They must in their zeal for the interest of the state, in their exertions of their constitutional share of power in the government, in their natural and not in useful differings of opinion upon men and measures, keep a constant check over the ardour of young impressions ; otherwise that which should be the natural (I had almost said the mechanical) motion of their agency, will break out in the conflicts of

\* What is here said of the *Libidines adolescentis Civitatis* is not the refinement of Theory and inexperience, but the repeated lesson of the greatest and most experienced Statesmen : and in the very manner in which I have here given the caution against those political *libidines*, Cicero gives the like caution in his sixth book de Repub. *Graves enim dominæ cogitationum libidines, infinita quædam cogant atq; imperant, quæ quia expleri atq; satiari nullo modo possunt, ad omne facinus impellunt eos qui illecebris suis incenduntur.*

parties and factions, perpetually tending to establish the interests and domination of men. *Et hæc quasi materies omnium malorum semper fuere.* The lead of America will, by combinations of military subordination, tend in a direct line to the despotism of One ; or, by civil intrigues, and the corruption of the purse, converge in oblique lines to the Tyranny of the Few ; or, by the energy of enterprizing ambition, be wrought into a discordant and repulsive state which will break all order and dissolve all system. Had this been the case in Rome, *Dissipatæ* (saith Livy) *Res, nondum aduitæ, discordiâ forerent, quas fovit tranquilla moderatio imperii, eoque nutriendo perduxit, ut bonam frugem libertatis, maturis jam viribus, ferre possent.* May the same sense of Liberty and Government in the People, the same *tranquilla moderatio imperii* in their Leaders, warm and animate the Spirit of America ! And may that spirit, ardent yet moderated ; that Government, though active,

active, yet not violent; bring forth the fruits of Empire founded in political Freedom, for the protection, peace, and happiness, of mankind, in one portion at least of this Earth.

This Memorial hath stated and explained the operation of the internal self-working Principle, as the first cause of union in Community, which by one common energy of universal attraction creates (as in nature by natural principles) one common center, to which the several energies of each and all tend and conspire. If human nature, and a community of human beings, could be found perfect as to reason, truth, and wisdom; not to be perverted by passions; not to be seduced and corrupted by vicious affections; this attractive principle would alone be efficient to the End of union in Government. This is not the case; God hath therefore been pleased to superadd another cause, arising from the very defects and depravations of man, which operates from with-

without. This compresses men against their repulsive fears and jealousies of each other, against the repellant temper which frauds, dissensions, violence, and attempts at domination, raise amongst them, by a still stronger compulsive power into closer contact, and mutual alliance for common defence. It is happy for a State, especially for a newly-established State, when this external cause continues to act; and acts to one and the same end in aid of the internal principle.

It is, on the other hand, an unfortunate and dangerous crisis to young and rising States, if the external compressive cause, which hath been found useful to a State, by rendering internal peace and union necessary, and hath been in that line of efficiency applied as part of the political System, ceases to act. While the Persians meditated or made invasions upon Greece, the several states adhered zealously and most carefully to their confederacy; but in less than fifty years after

after Xerxes was defeated and driven from Greece, the repellant spirit began to show itself in the strife of unequal interest, and in attempts of some to create a Domination over the rest; and issued in the Peloponnesian war, to the total devastation of the Country, and almost to the destruction of the States. In like manner, while neighbour nations of Italy, hostile to Rome, acted upon the State of that City as this compressive cause from without, the wisdom of its Statesmen applied the effect to the restraining and bounding the repellant principle of Discord within. These were at length removed either by conquest or alliances; yet Carthage, the rival of Rome, and upon the Sea the ascendent power, restrained the Conduct of the Citizens of Rome to the necessity of keeping the same guard upon the spirit of Dissention. *Sed quum Carthago, æmula Imperii Romani, ab stirpe interiit, Cuncta maria Terræq; patebant; Fortuna sævire & miscere omnia cæpit.*

*Qui*

*Qui labores, pericula, dubias atq; asperas res facillè toleraverant, Iis otium divitiæ, optandæ aliis, oneri miseriæq; fuere. Igitur primò pecuniæ, dein imperii cupido crevit, &c.* In like manner, now that the *Imperium* of Great Britain resides no longer within the Empire of the United States; now that the British Nation is removed from within the Dominion of those States; now that the States dwell almost alone on their great Continent, and are absolutely the Ascendent Power there; if the true *spirit of liberty*, as above described, and the *genuine spirit of Government*, does not act by the internal attractive principle of Union strongly and permanently in proportion as the external compressing cause of confederation is removed, the Americans will experience the same Fate and Fortune, and be driven, by the same miseries, to the same ruinous distress which the States of Greece and the city of Rome had wretched experience of.

It is, however, peculiarly happy for

the American States, whatever be the force and temper of this internal principle with them ; that an external compressive cause is not wholly taken off. When they consider the difficulties which they will have to render *the line of Frontiers* between their Empire and the British Provinces in America a *line of Peace* ; when they experience in fact and practice the difficulties of preserving it as such ; when they speculate upon the almost numberless, and, at present, nameless, sources of dispute and contention, which may break out between them and Spain ; when, in the cool hours of unimpassioned reflection, they begin to be apprized of the danger of their very \* Alliances ; they will see that this compressive cause does not cease to act. Every friend to their peace, liberty, and happiness, must hope that they will so see it, that their State-

\* Guaranties have a right to interpose, and may assume a right of becoming *Arbitrers*.



men may attend to improve the effects of its operation, and to profit of this bitter but saving providence. If they improve the feelings which the States will from time to time experience of danger to the interest of the General *Imperium* from external force, so as to work the impression, which fears of that external power creates, to a permanent habit of union and confederation, as a principle of their Empire, never to be remitted, diminished, or departed from for a moment, \* these States will derive internal Union and Stability to their Government from those very dangers, or the fears of those dangers, which threaten it. If, on the other

\* This was the invariable Policy of the Patricians and Senate in the early days of Rome. *Similem annum priori Consules habent. Seditiosa initia bello deinde externo tranquilla. Ea res maturam jam seditionem ac propè erumpentem repressit. Liv. l. ii. § 63 & 64. Bono fuisse Romanis adventum eorum contabat, orientemq; jam seditionem inter Patres & Plebem metu tam propinqui belli compressam. Lib. xii. § 12.*

hand, it should unfortunately become the system of their Politics, that, divided into parties, each ascendant party of the time should, by reference to, and the interposition of, those external powers, aim to strengthen *their own* interest, the state may retain its sovereign Station ; but their own Rulers will scarcely be the Sovereigns : the Reason of State will be no longer its own reason ; and its Liberty will, even while it seems to act in all its forms, be bound down by the predestination of External Powers. The several States, or several Parties in the States, instead of coalescing by one uniform general attraction to the common center, will become like the blood of life in a fever, clotted into partial diseased coagulations of faction, having the most violent repulsion amongst each other. This Memorial will not enter into this topic further than to recommend to the Citizens of America, not only to read, but to compare, with what may be their own eventual

tual case, the effect of this sort of reference, as it shewed itself amongst the States of Italy during the time that Rome and Carthage were Rival Powers in that country. \* *Unus velut morbus invaserat omnes Italiæ Civitates, ut Plebs ab Optimatibus dissentirent: Senatus Romanis faveat; Plebs ad Pænos rem traherent.*

† The same malady seized the States of Greece. Factious within themselves, the Minor Party had reference to foreign interest, and sought to strengthen each their own Faction by the aid of the enemies of their Government. They applied first to the Persian Grand Monarch; in the next period, to Athens and Lacedæmon alternately, as the Aristocratic or Democratic Faction prevailed. This also well deserves the consideration of the United States of America, as to the point of reference which future parties amongst them may make to foreign aid, to French or British Power.

\* Livy.

† Thucydides.

This Memorial might here enlarge on this topic of foreign politics, as they may train between Great Britain and the United States: it would be a needless presumption, so far as respects the American Statesman; and would not, I am sure, as nothing of the kind ever yet has been, be of any use to British Statesmen. It might enlarge on this subject as it respects the States with reference to their intercourse with Spain; their Alliance with France; their Treaties with the United Belgic States and \* other powers: but, perhaps, the Statesmen of America, under the impressions and predilections of their newly-formed friendships, may think the eventual State of things, which would describe, to be visionary and *en l'air*, and may hold the considerations thereupon, which it would recommend, as the mere

\* The Memorial will mention in another place Indian Politics, as they respect this new Empire of America.

theoretic essays of an unemployed and inexperienced man. This Memorial, therefore, will only repeat what the Memorial addressed to the Sovereigns of Europe stated as a maxim (rather a fundamental Principle) of American Politics: " That  
 " as Nature hath separated her from Europe, and hath established her alone  
 " (as a Sovereign) on a great Continent,  
 " far removed from the Old world and all  
 " its embroiled interests, \* that it is contrary to the nature of her existence, and  
 " consequently to her interest, that she  
 " should have any connexions of Politics  
 " with Europe other than merely commercial; that she should be a FREE  
 " PORT to all Europe at large, and in  
 " reciprocity claim a FREE MARKET in  
 " Europe; and that she should have no  
 " commercial treaties with any European  
 " Power partial to such power and exclusive to others; but that she should

\* Common Sense.

" give

“ give and enjoy a free Navigation and  
 “ an open trade with all.”

Fundamental Principles similar to these, although they may not have been able to prevent her from forming some connexions, some alliances, may yet, if a system of Politics is founded on them as decided maxims of State, and invariably and uniformly pursued, preserve her from the entanglements in which she might be otherwise involved, and guard her against the dangers which the consequences of those connexions may lead to. Although a bold and daring, or a lucky stroke, may succeed for the hour or the season, or in the transient small affairs of Individuals; yet *nothing but System*, as it arises from the nature of the State, *will be efficient* to any permanent purpose; to an Empire nothing but *system*, even in the line of defence, will guard a State against, and repel the attacks of Fortune. The most daring Fortitude, the most active courage, unless it hath such foundation, would become

come folly and madness, and only ruin a State with more *eclat*. There is something in Fortune which mixes itself in all Human affairs, and which perplexes and obstructs, if it does not actually command, Events. Fortune, although generally considered as an operation of chance, is not, and cannot be, any thing else but the ordinary course of natural and human events. It is a Combination arising from remote or hidden causes, from circumstances unobserved, from influences not understood, from innumerable and imperceptible *minutiæ*, which yet, combined, are causes equal to every effect that is produced. These remote, hidden, and imperceptible causes are not, and indeed scarce ever can be, considered by men: the effects, therefore, are in Event before the causes are seen, if they are ever seen afterward. Fortune, therefore, (as men usually express themselves,) mixes itself in all human affairs, and generally commands. The acutest foresight, the  
 firmest

firmest spirit, if acting and exerted *only on the occasion*, can neither guard against nor resist its Force.

Quid Quisq; vitet, nunquam Homini satis  
Cautum est *in horis*.

No temporary reasoning, no temporizing State-craft, applied only to *occasions*, can either be aware of or prevent her strokes; nor will the most inexhaustible fund of resource, or the most habile application of remedy, relieve men under the maladies which she brings upon their affairs. System alone, as it founds itself on the nature of things, and the nature of man, established in fact and truth, and uniformly pursued with spirit, can be adequate to the administration of the affairs of a State. A System of this spirit and temper in the Rulers will, if there is a spirit in the People correspondent to it, command Fortune. In this spirit of system, and not in a supposed predestined Fate, did the Fortune of the Roman Republic consist.

Hinc omne Principium, huc refer Exitum.

H

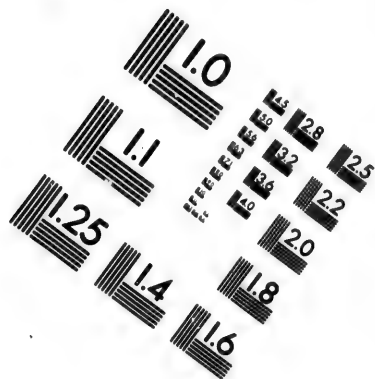
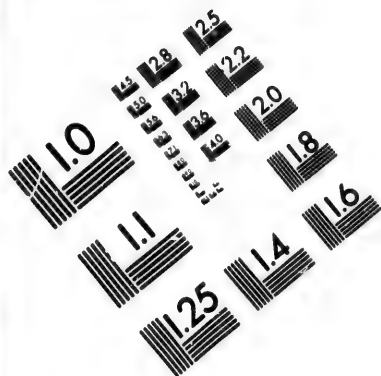
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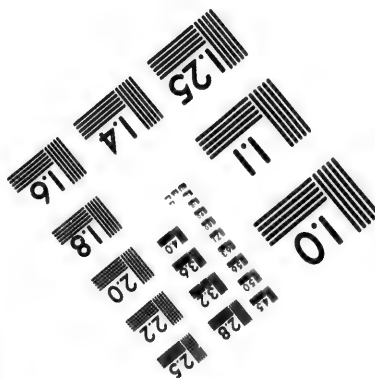
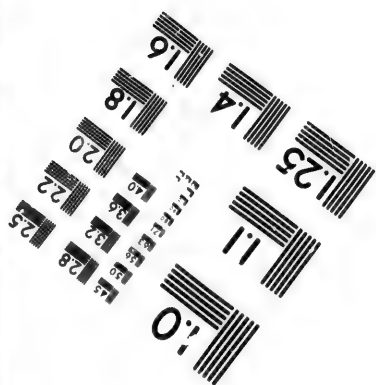
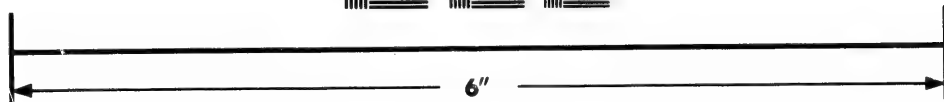
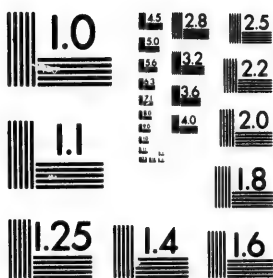
A line of conduct drawn amidst the nature of things, and according to the nature of man as connected with them, is, in Politics, what the moral habit of harmonized temper, actuated by uniform Reason, is in man. A System, even the wisest, may, as all human affairs are liable to the effects of external things, be struck by the attacks of Fortune, may not be invulnerable to her strokes; but if it be such as this Memorial states that it should be, "Ἐξόν ἐς αἰεί, and not *in boras*, they will strike it fearless; they will strike a breast thoroughly prepared to bear up against, and finally to repel its effect. Such a System, in the great and arduous affairs of men, flows through the ever-varying series of Events, like a large and copious river through the varying regions of the earth. Its Greatness is not affected by small accidents or incidental chances. The floods of the mountains may pour down in torrents that shall disturb and foul its waters for a season, but it holds its course, and as it flows, purging

ing off all noxious mixture, clears again to the original purity of its element : the scorching drought of heaven may draw off much of its waters, but the abundance of its original and internal source is superior to such external diminution ; and it still holds on its course, in one uniform tenor, equal to all the purposes for which it flows :—it may be precipitated into rapidity in one part of its stream, it may be checked in another ; it may be drawn winding through this vale, or forced to make a circuit round that mountain ; but its general Course flows uniform to itself, conform to the nature of the country it passes through, and maintains that general direction which its Issue bears to its Source. The conclusion upon the whole is, that, if the New Sovereign Republic of America hath the right conscientious sense of *natural liberty and political Freedom* ; if it is animated with, and actuated by, *the genuine Spirit of efficient Sovereignty* ; if it hath had the wisdom to *harmonize itself within* according to





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this Spirit, and to form *a grounded and permanent System towards All without* ; secured against itself, armed against the Strokes of fortune, and guarded against the malignity of Man ; it is established as Nature herself, and will Command : one may not only wish, but as of Nature herself one may pronounce

# ESTO PERPETUA.

The Memorial having stated what seemed necessary to the consideration of the Essence, Existence, Efficiency, and assured Permanency of a Republic newly emerging to Independence and established in Sovereignty ; it now proceeds to consider matters of Constitution. The Memorialist feels that it would be impertinence towards an American Citizen, and knows that it would be useless and ineffectual to an European Statesman, to enter into the discussion of the particular Constitution of each individual State. The Citizens perfectly know their own Business ; and all the force of reason and experience combined will never make the  
the

the perverted head of an European, especially a British Statesman, comprehend the Spirit of them. These constitutions are what have wrought the States to Freedom, Independence, and Sovereignty. They are the best that can be at present ; and should there be any thing which in future times and circumstances might require a change, there is in these States, as in the animal œconomy, *a healing principle* which will work \* itself right.

This Memorial will therefore proceed to consider, in general, as they lie in Nature, *the grounds* on which the General Confederation and Sovereignty stand ; and *the principles* by which its Structure and Constitution must take its Form, be that Form whatsoever it may hereafter be.

The principles by which the System of America is animated and actuated, arise from the actual and unconstrained nature

\* The operation of this is actually provided for in several of the Constitutions of the States, by the establishment of a Census, and other means.

of Things, and from the unpverted, unoppressed nature of Man. They are not such Principles as the Political System of this or that State permits to be called Liberty. The Liberty of the People of America is not merely that share of Power, which an Aristocracy permits the People to amuse themselves with, and which they are taught to call Liberty. It is not that Domination with which the People govern in a Democracy, and therefore call Liberty. It is not that share of Domination which a political Monarch throws into the hands of the People, in order to ally their power to his Force, by which to govern the Aristocracy. The genuine Liberty on which America is founded is totally and intirely a New System of Things and Men, which treats all as what they actually are, esteeming nothing the true End and perfect Good of Policy, but that Effect which produces, as equality of Rights, so equal Liberty, universal Peace, and unobstructed intercommunication of happiness in Human Society.

Every



Every inhabitant of America is, *de facto* as well as *de jure*, equal, in his essential inseparable rights of the individual, to any other Individual; is, in these rights, independent of any power that any other can assume over him, over his labour or his property: This is a Principle in act and deed, and not a mere speculative Theorem. He is his own master both in his reasoning and acting; so far as respects the individual, he is at perfect liberty to apply his power as he likes, to labour in any line, and to possess and use his property as his own. His property is free from any tenure or condition that may clog, obstruct, or divert the fruits of that labour which he hath mixt with it.

There are not in America any Baronial or Manerial Dominations of the lesser but more cruel tyrants. There are not in this Land of Liberty any Feudal, any Personal services, which may be claimed by a Landlord from the Landholder, whether Prince, Baron, Clergy, or Body Corporate: There are no Fee-farm Rents

or

or Tythes to be paid ; there are no desti-  
 nations, either of the Residence or Labour  
 of the Landworker or Mechanic, which in  
 the Old World are assumed as refinements  
 of Polity : neither as a Labourer, nor as  
 a Landworker, does the American ever  
 find himself crossed upon by any of those  
 self-obstructive Policies, which have been  
 the bane to Industry, and blasted the  
 fruits of labour in Europe. He meets  
 nothing which represses him back, or ex-  
 cludes him from rising to that natural  
 importance in the Community, which  
 his ingenuity in his manual labour, or his  
 improvements in his landed Property,  
 must of course, unobstructed, give him.  
 The power which derives from cultivated  
 property in America arises in proportion  
 to the political activity which is mixt  
 with it by the possessor ; and in the hands  
 of those who do thus actuate it, it assumes  
 its weight, and relative place, towards  
 the common Center, so as to render this  
 active Proprietor every day a more im-  
 portant Citizen.

There

There is another Right of the Individual, which the perplext and mixt policy of Europe has broken in upon, and which yet no civil Polity can have cognizance of ; and seems to have, as no right, so no pretence to interfere in : that is, where government assumes a regulating direction over the natural affections of the Sexes. In America, Love and Liberty go hand in hand ; and each individual forms those connections which nature and the heart point out. Marriage there is a Civil Contract, which is contracted, remains obligatory, or is diffoluble, just as any other Civil Contract is. This Memorialist knows of \* no civil act of State in America which hath ordained any thing to the contrary. The Americans do not as is done in the Mother Country, First state in their Theology, that *Marriage is*

\* The Memorial does not enter here into any of those ideas which those marriages that use the forms of the Church of England or of Rome may take up.

*no Sacrament*, and then continue it in their law and their Police, as *an Act of God*, which no Executive human Power can disannul. Marriage in America is formed directly to answer the two great ends for which the two Sexes come together, Private personal happiness, and the propagation of the Species; both which ends are really answered in the fullest and to the most perfect effect. Every Wife there is herself a fortune; and the Children are riches to the parents.

The Right of private conscience in matters of Religion is one of those rights which are essential to the individual, and which he cannot alienate or even abate. This is a matter of which Government can have no cognizance, in which it can have no right to interfere: and yet, in the Old World, *this internal* impression of the mind of the *Individual*, as though it were *an overt of the Citizen*, hath been treated as an Object in which Government

vernment is supposed to be most deeply interested. On the contrary, the System of the New World considers Religion as an internal act of the Mind towards God, by which Man endeavours to raise up to himself the most perfect notion he can of the Supreme Being, and of his attributes, in order to form his Conduct in moral conformity thereto ; also as an act of the mind, by which the internal Man addresses himself in prayer and praise to God, in that way which he thinks most suitable to the Divine Being, and the most efficacious to the obtaining of what he presumes to ask in prayer. This Right therefore exists in America, inviolate, and in perfect liberty.

Another and essential part of the independent political freedom which the American System enjoys is— that it is, as a State, in no wise under the Superintendency of any Ecclesiastical *Imperium* in any shape whatsoever ; that it knows no such Solecism as that of the same indivi-

dual Citizens being the component parts of two distinct communities formed under two *distinct imperia*.—There is no mixture of any such materials at its foundation ; there is no such Frame in any part of its Structure.

The Inhabitants of the Old World, both those who lived under the false Religion, as those also who dwelt under the manifestation of the True, had universally their Civil Polity directed in its confidence by the superintendence and guidance of a Body of Men supposed to be endued with more than human wisdom, and who seemed to have the power of reward and punishment beyond the extent of human power. With the Ancients, before the time of the Manifestation of the True Religion, Religion was neither more nor less than a State-Engine, framed and worked, under the direction of the Chief Magistrate, by the hands and management of the leading Statesmen, to the purposes of the State.

It

It was a Creature of the State. The Christian Religion, a Religion of Spirit and Truth, whose Kingdom was not of this world, whose end and object was in another and future State (for which this life is a preparatory training), was totally abstracted from all Politics, from all Administration and Government of the things of this world; and had no other concern therein, but to render unto Cæsar those things which are Cæsar's, and to be obedient to the higher Powers: yet so it hath happened (I suppose the divine Teachers of this religion found it necessary), that, when they established their System, as an outward visible form, they formed an intermediate temporal Community and *Imperium*, both ecclesiastical and civil, in and over the things and Persons of this world: and, feeling themselves as an independent distinct Body politic, assumed *either an ascendant superintendence over the Civil Community*, or put themselves in the predicament

cament of having formed, on original compact, *an alliance between the Church and the State*. The State of Europe (it may be said, of the whole Roman Empire) at the first origin of Civil Governments under the Conquerors of that Empire, was such as naturally gave birth and scope to this System. The commanding paramount powers of the Great, and the several *imperia* of the lesser Commanders, who had overran and held in Subjection all Europe, were merely Military. The idea of Government, other than that of military discipline within their Camps, Cantonnments, and the Posts of their respective armies, entered not into their System. These People had no idea of civil government as necessary to be co-extensive with the predominant military *Imperium*. They considered all civil polity as mere matter of œconomy in a family, clan, or horde ; as mere subordinate arrangement of the community of any people or nation; which the body could best settle for itself, and



and be best answerable for. Of what form this was, or how administered, was matter of indifference to these Commanders. This civil line and field, therefore, was opened to all Institutors of Politics, who could acquire ascendancy sufficient to establish themselves under the auspices of the military.

At this period the Human Species in Europe, howsoever trained and disciplined to, howsoever exercised and expert in war, could, as to political civilization, scarce be said to have emerged out of their Savage State. The Missionaries of Rome were sent out amongst these, to teach them the arts of social life, to civilise them, and to convert them to the Christian Religion. These Missionaries (I mean some of the first) had deservedly great merit with them, and acquired thereby an almost absolute ascendancy over them: they became their Farmers, Mechanics, Artists, their lawyers, their judges, their Law-givers, their guides, and the directors of their opinions and consciences. Whatever  
Politics,

Polities, therefore, grew up amidst these thus first civilized Europeans, were interwoven at the root, and grew up interbranching with ecclesiastical Government, so as not to be separable from it. The lands and property of the ecclesiastical society (however obtained) came forward into improvement and fixed property, co-eval (if not in a leading line) with the property of the Civil Body, and, as it were, allied and intermixed with it. In the European States, therefore, the Ecclesiastical Rights, Property, Polity, and *Imperium*, became, from the earliest periods of Civilization, an essential, inseparable part of the Constitution. Whatever may be the abstract truth in civil Polity, taken *a priori* in its original principles; whatever may be the opinion of men in these days; the fact and invariable precedent is, that in Europe the ecclesiastical *Imperium* or \* Church is an indefeasible part of the

\* "The Clergy of England have a Zeal for the Church of England; but they have a greater Zeal  
" for

the State. And every loyal subject of these States will be, at least ought to be, a zealous maintainer of this United or allied establishment of Church and State.

It is not so with the Americans, and the system of America. They were not thus civilized by ecclesiastical Missionaries. No Church power was their foster Parent. The Original Constituents of these States were in a perfect state of Civilization, in perfect independence and freedom, at the establishment of their Civil Polity. An ecclesiastical Body, as a separate Community from the Civil Community, and yet formed of the same individuals, would have appeared to them as a Chimera. The System in which American Polity is built up stands independent, and is free from those heterogeneous mix-

“ for the Church of Christ : there are Few of them,  
 “ I hope, who scruple professing a Wish, that the  
 “ pure banner of the Gospel may, if need shall so  
 “ require, be displayed triumphant on the ruins of  
 “ every Church Establishment in Christendom.”  
 —A Letter from the Lord Bishop of Landaff, to  
 his Grace the Archbishop of Canterbury, p. 3.

K tures,

tures, which always more or less \* obstructed each other, and which drew into crookedness and obliquities the free and natural Energy of Both. The Americans have no one Form of ecclesiastical system, or Church established as *the Religion of the State*; they have *no landed clergy*; no Church Revenue derived by a transfer of the slavish Tax of Tythes from the State to the Church: their lands were never *Agri Decumanni*. They do not apply Religion, as was the case in the false religion, as an engine of State; but considering it *as what it is*, they make the proper distinction which its divine Author made: they give unto God the things which are God's; and unto Cæsar [*i. e.* the Civil State] the things which are Cæsar's. In this they have no part to take, but to

\* The purity of Religion equally suffered by this worldly alliance of the Daughter of God with the Child and Creature of Man; as Civil Government hath done by the Constraints with which this high-spirited Dame on earth hath bound the energy of its Freedom.

follow

follow God and Nature in the direct right line of Truth.

The System of the American Community lies in Nature : from natural causes there is now, has been, and most likely will continue to be, a general equality, not only in the Persons, but in the power of the landed Property of the Inhabitants. This Basis of the superstructure is uniform and level ; the *Res Populi*, the *actuated Rights and Interests* of the People, is every where equally attended to, and is in all points coming forward (if I may so express myself) in parallel lines into operation. This equal level of acting powers and actuated property, lying thus in Nature, becomes, by the vigour of natural principles, the Basis of a Free Republic. This is the grand *Desideratum* of all the ancient Legislators and Institutors of Republics. They saw the necessity that there was of an exact conformity between the Constitution of the State, and the *Species of Individuals*, the *form of the community*, and nature

*of the basis* on which such State must be founded. No such Basis was there found in nature; they therefore tried a thousand different projects to form such in Art. They forced Nature. Not finding the natural situation of men to be what it was necessary to the System of their Polity it should be, they endeavoured to make it what it never could be, but under force and violence done to nature. They destroyed or perverted all Personal Liberty, in order to force into establishment Political Freedom. While Men were taught by pride, and by a prospect of Domination over others, to call The State Free, they found themselves cut off from, and from the use of, many of the essential inalienable rights of the Individual, which form his happiness as well as freedom. So far from finding themselves free, they felt themselves mere machines. All this was done and suffered, to obtain (which yet they never could obtain) that natural equal level Basis on which Ye, American

can Citizens, stand ; on which Ye, United States of America, are built up, in a manner that combines the perfect possession of the rights of the Individual, Personal liberty, and Political Freedom.

Here, UNITED STATES AND CITIZENS OF AMERICA ! look back on the peculiar blessings, on the special favours, on the singular happiness, in which Providence hath been pleased to establish your System ; to which he hath seemed to select you, as a chosen people, in a New World, separate and removed far from the regions and wretched Politics of the Old one. Consider this well, not only in the conscious feel of the happiness which you yourselves enjoy, and which it is your Duty to deliver unabated over to your Children ; but in the sincere sense of gratitude which Heaven demands of you. Manifest this in the conduct and Administration of your Sovereign Powers, while you establish, as constitutional maxims in practice, those Truths which  
form

form the principles of your System.—  
*Serendi Sunt Mores.*—I do not here mean a new cultivation: for the Manners and Spirit of the Americans have been, uniformly, what just such a state, such a System of Things would inspire; and their political Character, just that habit of Conduct which is conform to it: a character, which looks to rights of perfect freedom as the first object and end of man as a Citizen; that estimates all men as equals; and is no respecter of persons, but according to their place in those orders and subordinations which the State gives, and which therefore respects the office, not the man: a character that knows how to estimate the Majesty of the People, and the *Imperium* of the State; and honours and obeys it for real conscience sake: a character by which each individual considers himself as a \* Participant with his fellow Citizens, and a Commu-

\* Ad participandum alium ab alio, communicandumq; inter omnes. *Cicero de Leg. Lib. i. § 11.*



nicant in the Whole ; and therefore feels, as a self-conscious feel, an unaffected, inartificial, natural Love for his Country, combined with a prompt and ardent zeal for its Service. It is this spirit and this Character, which hath wrought You up to the independent Free Sovereigns which you now are. When, therefore, this Memorial presumes to advance this proposition, *Serendi sunt Mores*, it means that the same Culture of *Political Character* be regularly continued ; that the same Sense of Your System, the Same Spirit of Liberty, the same manners may remain unabated, unaltered, undepraved, to form and animate the same Character ; for on Customs and manners, more than on Laws and Imperium, depends the fate, the fortune, and the existence of a State. And may this, many ages yet to come, not only be said of You, but be true, which Ennius said of Rome :

\* *Moribus antiquis Res stat Romana, Virisq;*

\* It is impossible that the import of the truth and wisdom of this proposition can be too strongly  
impressed

That, thus founded in Nature, and thus built up in Truth, Your States should arise to Independence and Sovereignty in the very spirit of Political Freedom ; that, under a system so entirely new upon

impressed on the mind of a free Citizen of America; and lest the quotation of it above should not make a sufficient impression, I cannot but here insert—Cicero's Commentary on it.—*Quem quidem Ille [Ennius] versum, vel brevitate vel veritate, tanquam ex oraculo mihi quodam esse effatus videtur. Nam neq; Viri, nisi ita morata Civitas fuisset, neq; Mores, nisi hi Viri præfuissent, aut fundare, aut tam diu tenere potuissent tantam, & tam longè latèq; imperantem Rempub. Itaq; ante nostram memoriam, & mos ipse patrius præstantes Viros adhibebat, & veterem morem ac majorum instituta retinebant excellentes Viri. Nostra verò ætas cum rempublicam sicut picturam accipisset egregiam, sed jam evanescentem vestigata, non modo eam coloribus iisdem, quibus fuerat, renovare neglexit, sed ne id quidè curavit, ut formam saltem ejus, & extrema tanquam lineamenta servaret. Quid enim manet ex antiquis moribus, quibus ille dixit Rem stare Romanam ? Quos ita oblivione obsoletos videmus, ut non modo non colantur, sed etiam ignorantur. Num de Viris quid dicam ? Mores enim ipsi interierunt Virorum penuriâ. Cujus tanti Mali non modo reddenda Ratio nobis, sed etiam tanquam Reis capitis quodammodo dicenda causa est. Nostri enim Vitiis, non casu aliquo, Rempublicam verbis retinemus, reapsa vero jampridem amisimus. Ciceronis de Repub. Lib. v. Fragm.*

Earth,

Earth, your improvement should continually so expand; that your population should so increase and multiply; that a Civilizing activity, beyond what Europe could ever know, should animate and actuate your progression; that your commercial and Naval power should be found active in almost every quarter of the Globe; that your Military power should be equal to the defence, and your political wisdom adequate to the establishment of your Sovereignty, is and was but a natural Consequence in the ordinary train of Causes and Effects. It was due and just to you thus to state You to the Sovereigns of Europe; and there was no advice so good could be given to them, as *the Stating of this simple Fact*, so little understood in the Old World. The Memorial addressed to these Sovereigns stated it without reserve or disguise. This truth was at first treated as unintelligible speculation. It was unfashionable; it was neglected where it was not rejected, but in general it was rejected as inadmissible: by degrees it entered into

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the reasoning of many an individual ; and when it was in various translations expanded in Europe, it was found insensibly to have mixed itself with the sentiments of many a Statesman, and at length reached the ear and penetrated the heart of some Sovereigns---lastly, those of the Ministers and Sovereign of Great-Britain. This truth, which had been for some years considered as a Proposition not to be listened to, not to be suffered to be mentioned ; for the enouncing of which (although \* in the line of his duty) the Author was called, by the Wise Men of the British Cabinet, a *Wild Man*, unfit to be employed ; yet this Truth became, in about a year and a half, demonstration not to be resisted, and an universal idea of Europe. *Magna est vis veritatis, & prævaluit.* Great-Britain reaped the fruits of the wisdom of its ministers; and Truth and Right were established in peace.

\* In his Speeches in Parliament, on December 2, 1777, and March 17, 1783, wherein he recommended the making a Fœderal Treaty with America.

This

This Memorial will now proceed to state the System of America so far as relates to the formation and constitution of the General Government of the Confederated Sovereignty of America. \* “ Neque  
 “ prorsus diffidere debeo, quin possim de  
 “ hac re fortasse, non imperitè nec in-  
 “ utiliter differere ; utpote qui longa †  
 “ experientiâ edoctus, & per tot munerum  
 “ &

\* *Bacon de augmentis Scientiarum. Lib. iii. Cap. 8.*

† Especially in this point of Policy, the grounds and reasons, the ways and means, of Union and Confederation between States, such as the Free ones of America.

This Memorialist was at the Congress at Albany in 1754, and cognizant both of the measures and the reasons of the measures adopted there.

He, as a Commissioner from the Province, now the State Massachusetts-bay, in 1755, negotiated with New-York, New-Jersey, and Pennsylvania, the Confederated expedition, in union with New England, against Crown Point ; and Succeeded.

And, lastly, when he was Governor of Massachusetts-bay, he formed, in 1758, a Plan of an Union of the Provinces, Colonies, and Plantations, of New-England, for their mutual Protection and Defence against the Common Enemy, which was actually concerted and settled by Commissioners from Massachusetts-bay, and the Commissioners of the Colony of Connecticut, convened at Boston :

“ & honorum gradus ad amplissimum  
 “ [Coloniarum] Magistratum eveetus fu-  
 “ erim, eundem ꝑ; magistratum per annos  
 “ quosdam gefferim.”

The Memorial hath explained in what manner and by what principles the System of America stands on the natural basis of a Republic. The describing how it is built up in its *Frame* in conformity to this foundation, is coming to the point of *Constitution*.

The People at large in the multitude are in a natural incapacity of exercising their Reasoning powers; and very inconveniently situated and circumstanced to give by every Individual their Judgment and Result. There is no regular way of collecting the wisdom and sense of the People as a Community, but by some delegated representation, to such numbers as may be in a capacity of Reasoning and

to which the Province New-Hampshire, the Colony Rhode-Island, and Providence Plantation, were invited to accede.—The change of Men and Measure in the Military Command in America which took place that year, rendered this measure unnecessary, and it was laid aside.

Debate;

Debate ; \* and no means (some cases excepted) of collecting the sense of the whole, but by delegation of power to a part to give the dissent or consent for the whole. If the People, as in America, are in the full and perfect use and enjoyment of their equal Liberty, they will, as in the ordinary process of their operations, form their own actual Representation ; they will naturally find out where the wisdom of the Community lies, and will delegate their power of reason and debate to that part. They will find out almost mechanically to whom and in what manner they may delegate the power of giving their Dissent or Consent, and of converting the Wisdom of the State into the Law of the Land.

This is the *Actual* State of America. The universal sense of the People is collected, and operates in Debate and Result on the universal interest of the People.

\* A Popular Assembly, rightly ordered, brings up every one in his turn to give the Result of the whole People. *Harrington's System of Politics.* Chap. v. 24.

This

This is the existence by nature, and in fact of a republic, *Respublica est Res Populi*. Populus autem non omnis Cœtus multitudinis, sed Cœtus juris consensu, & utilitatis communione sociatus.

Exactly as the several separate States are formed on this System and by these principles, so is the general Confederation by the establishment and Constitution of its Government. The Reason of the whole is delegated to, and the Wisdom of the whole is concentrated in, the Congress. And this Institution arises from those principles, and by those operations, which actuate a Free Republic: The Liberty of the People, manifested by the sense of the whole, coincides, co-operates, and exists in it. Neither the opinions of assuming Leaders, nor the intrigues of caballing Factions, will be found there, or at least will not survive a moment. The Sense of the whole is what must predominate, actuate, and govern throughout, in all opinions, in all measures of effect and permanency. In Great Britain, where the  
Members



Members of Parliament do not come together as representing *the Sense and reasoning of the People* at large ; they must have some time to form *their own* opinion. A certain leading Judgment *does this for them* ; and as often as this leading judgment changes *its* opinion, these Members, or a majority of them, will be found to have changed *their* opinion in all extremes of contraries. This instability hath, and will ever attend them, although members of a permanent Body ; while the Congress, an annual institution, consisting of many new Members at every re-election, hath in its opinions, its resolutions and measures, manifested a degree of united firmness, a continued uniformity in opinion, and unalterable perseverance in a System of wise and effective measures. The true and real reason of this is, that this System was the decided, determined opinion of the Body of the People, whom those Members of Congress *really represented*. Experience has confirmed what Wisdom saw before, that  
there

there could not be a measure more surely grounded than this Institution by which the Confederation acts in Congress. If it be viewed arising from the actual State of things and Men, and by the natural energy thereof, it will be seen that there could not be a measure more judiciously, more politically constituted, to actuate the reason, to collect the Wisdom of the Union, and to bring it forward into action. There cannot be a stronger proof of the Temper, Prudence, and assured confidence, which the People have in the foundation of their Liberties, than the entrusting in delegation the great and extensive Powers with which they have invested Congress; nor can there be in any Rulers a greater Merit with the People, than the Spirited yet cautious, the Liberal yet guarded Use that these Members of Congress have made of them.

The ordinary mode of administration into which General Councils distribute themselves, is, by the Members dividing themselves in several Chambers or  
Boards,

Boards, according to the several branches of business to be done, and erecting these into separate Offices. The Deputies of the States of the Belgic United Provinces formed themselves into three Councils; the Council called the States-General, the Council of State, and the Chamber of Accounts. The Command of the Army and Navy, which might have divided them into two more departments, were vested in the Counts or Stadtholder of each Province, as Captain General and Admiral. These Offices always have either too little or too much power, and are, in the one extreme, inefficient to the purpose of administrative power; or, in the other, form dangerous precedents against the equal balance of power in the Constitution of a Republic; or create distraction, opposition, and interfering obstruction, in the Commissions and other delegated powers which act under each department. The Administration of the business of the Government of Great-Britain by such Boards, gives daily proof of this. The Prudence, Experience, and Wisdom of

M                      Congress,

Congress, have avoided the forming of any such Offices, Boards, or Chambers : They from time to time appoint such Committees, with such powers, as the emergent case may require ; or such standing Committees as a permanent course of Affairs in any one line may render necessary ; which Committees, while they continue, may apply to Congress from time to time for such further powers as may become necessary. This application will give Congress a proper opportunity of revising the business, and of considering, whether they will grant further powers, or whether the business doth not become of such importance as that they should take it into their own cognizance and management. This is a much wiser mode of casting the business of an Administration of a Republic. It is, indeed, a line of conduct that is peculiar to, and distinguishes the wisdom of, Congress.

The Memorialist takes now the liberty which, as a Citizen of the World, he feels he hath in him, that of giving his opinion  
even

even where he presumes to doubt upon any measure of Congress. By the fifth section of the eighth Article of the Confederation, "the States assembled in Congress shall have authority to appoint a Committee of the States *to sit in the recesses of Congress.*" Experience is derived from comparing one measure and its consequences with another, that being similar may have similar consequences. "The States General" (saith Sir William Temple, in his Treatise on the Constitution of the Belgic Union) "used to be convoked by the Council of State; but the Provincies and their Delegates, growing jealous of that power, perhaps from a misuser of it, formed an *Ordinary Council called the States General*, which is only *a representation* of the States General, though always called by that name. The *Real Whole Body* of the States General *never sits*; this so called sits continually." Compare this Case to that of the *Committee of States sitting in the Recess of Congress.* Does it not seem, from this example, if rightly understood and rightly

applied, that some caution is necessary, lest *the Committee of the States sitting in the recess* of Congress, the representative of a representation, should *in ordinary* supersede Congress? And does not the occasion of appointing such a Committee arise from a defect, namely, that of providing for the Administrative part of Government?

The observation, which the Memorial is led next to make, requires much apology; and is made with all deference to the wisdom of Congress; and the Memorialist confides in the candour of the Sovereigns of America, that they will not be offended, if he assumes in this point no more liberty than he did in his address to the Sovereigns of Europe. The Memorialist, persuaded of the truth of his opinion on the matter, as he conceives it to lie, and yet differing so directly from a decided opinion and measure of Congress, fears that he does not rightly or perfectly understand the case. Collecting, however, his ideas from the Act of Confederation, he cannot but think, that sufficient and adequate provision is not made for the  
 Repre-

Representing of the MAJESTY OF THE PEOPLE, THE SOVEREIGNTY OF THE UNITED STATES ; nor for the efficient Administration of the interest and powers of the Confederation as a General Government. From some lingering doubt of themselves, from some excess of distrust in men, from some defect in that assured confidence, which a People, founded in political freedom, and built up to Sovereignty, ought to have in their System, they seem (at least so it appears to the Memorialist) to have been afraid to establish a Supreme Magistracy, to give effect to, and to carry into execution, in a continued course of Administration, the resolves, orders, and measures of Congress. And yet their whole system, the forms of business, the procedure of the operations of the respective States, and the circumstances in which the American people at large found themselves at the time of the late Revolution, led as naturally to some such establishment ; as the System and Circumstances of the Roman People, when

when they drove out their King, and abolished personal Domination, led to the establishing of the Administrative, Executive Magistracy in annual Consuls.

Previous to the reasoning in which the Memorial now proceeds to recommend the mixture of *Monarchical forms* of office in the Administrative branch of Magistracy, it may be proper to avow and declare the Memorialist's opinion of Government by a Monarch, claiming any personal right of *Imperium* over the State and People as his Dominion in property; it is a proper caution; that he may not be mistaken, or even suspected, when his ideas and words go only to that monarchical Magistrate, who merely as an official temporary responsible Officer administers, in rotation, the *Res Populi*, the Commonwealth; as though he had a drift, by a suppositious measure, to lay the ground for the Restoration of Monarchy. The Words of Mr. Harrington will best express it: " I could never be persuaded, " but that it was more happy for a people " to be disposed of by a number of person  
son



“ sons jointly interested and concerned  
 “ with them, than to be numbered as the  
 “ Herd and inheritance of One, to whose  
 “ lust and madness they were absolutely  
 “ subject : and that any Man, even of the  
 “ weakest reason and generosity, would  
 “ not rather chuse for his habitation that  
 “ Spot of Earth, where there was access  
 “ to Honour by Virtue, and where no  
 “ Worth could be excluded, rather than  
 “ that where all advancement should pro-  
 “ ceed from the Will of one scarcely hear-  
 “ ing and seeing with his own organs,  
 “ and gained for the most part by means  
 “ lewd and indirect ; and all this in the  
 “ end to amount to nothing else than a  
 “ more splendid and dangerous slavery.”

Although this be the opinion of the Me-  
 morialist, the Memorial will not presume  
 to proceed in its opinions, but under the  
 reasoning of that genuine Patriot, and de-  
 cided Republican, BRUTUS, as contained  
 in the advice which he gave to the Ro-  
 man People at the Crisis of their revolu-  
 tion from Monarchy to a Commonwealth.

“ The

" The first essential business" \* (saith  
 this Great Man) " is to set ourselves  
 " quite clear and rid of the Monarch, so  
 " as to leave no doubts, no hopes, so as  
 " to risque no danger of our falling back  
 " to that System of Tyranny in personal  
 " domination. This step secured; we  
 " shall at our ease and leisure be Free to  
 " make such alterations and correction in  
 " the Office, as may be found safest and  
 " best for the future administration of  
 " our Republic; by a Magistracy of a  
 " different institution, executing the ne-  
 " cessary powers of this Branch of Go-  
 " vernment, altered, corrected, limited,  
 " controuled, and responsible at the Ex-  
 " piration of their temporary *Imperium*.  
 " The evils which were derived upon  
 " us from the Monarch, as holding and  
 " exercising his power *as of personal*  
 " *right*, must be immediately and radi-  
 " cally taken away and removed; and  
 " the office must be guarded against all

\* *Dionys. Halycarn. Lib. iv.*

possibility

" possibility of relapse into Tyranny for  
 " the future. The Office itself should be  
 " abridged in its duration, and limited  
 " in its powers, in all reference to per-  
 " sonal prerogative; in every circum-  
 " stance and thing which may give the  
 " most distant occasion to *continued or*  
 " *Personal Government*. The Officer  
 " or Officers, who shall be thought the  
 " proper ones to administer this Office,  
 " should not retain, even in idea or name,  
 " the least trace of Government residing  
 " in their persons, but in the Office:  
 " and that they are *only the Administra-*  
 " *tors of a Government directed by the*  
 " *Senate*, and that they *act by the advice*  
 " *thereof*, and *under the authority of the*  
 " *same*. The Magistrate or Magistrates  
 " should be elected, and that *only for a*  
 " *year*, in successive rotation of Persons.  
 " He then declares his decided Opinion,  
 " that it should not be entrusted to, nor  
 " be permitted to be executed by One  
 " Person, but by Two, having equal  
 " concurrent Powers and Jurisdiction.

" The Government, thus bipartite, will  
 " be a check upon itself; and each Offi-  
 " cer must act cautiously with reference  
 " to his Colleague. There will, by this  
 " division of the Magistracy, be created  
 " an emulation for the obtaining the good  
 " opinion of the People, if not in both,  
 " in one at least, in proportion as the  
 " other by his conduct is losing it.  
 " Lastly, and above all, the delegated  
 " Power which is committed to the  
 " Officer or Officers who are to adminis-  
 " ter and execute this Office, should be  
 " limited in time. As there is nothing so  
 " strongly prompts, teaches, and tempts a  
 " Man to annex power to himself perso-  
 " nally, and to enterprize the extent of it ;  
 " nothing which renders the Attempt so  
 " safe, and perhaps at length so neces-  
 " sary, as distant and incertain responsi-  
 " bility, as the being unlimited in the  
 " duration of the time for which he  
 " holds his power : So, on the other  
 " hand, nothing so truly and effectually  
 " forms the republican character of the  
 " Officer

" Officer chosen to govern, as that he  
 " should in his person, and in turn of ro-  
 " tation, obey as well as command ; that  
 " his delegated powers should expire as  
 " soon, and at as short a period, as is con-  
 " sistent with efficient Government; and  
 " that, at the end of his administration,  
 " he should as of course be responsible,  
 " and answer to the People for it. These  
 " matters thus constituted and establish-  
 " ed, you will not only be guarded against  
 " all personal Domination, against the  
 " evils arising or deriving from a Mo-  
 " narch; but you may, on the other hand,  
 " freely use, exercise, and enjoy, all those  
 " advantages arising from the prompt,  
 " efficient, and continued administration  
 " of the Executive Branch through *Mo-*  
 " *narchical* forms, combined with the  
 " Aristocratic and the Controul of the  
 " Popular Branches in the same Com-  
 " monwealth. Considering these mat-  
 " ters, and that the forms of your pro-  
 " ceedings in business have been of this  
 " sort, I should doubt whether your pru-

“ dence would at present make any further alteration in your Constitution \*.”

To this the Memorial adjoins the coinciding opinion of one of the truest Patriots and first Republican Statesmen of the World of business. † CICERO says, *Respublica est Res Populi---Statuo esse optimè constitutam Rempublicam quæ ex tribus generibus illis, Regali, Optimo, & Popolari, confusa est modicè.* Also the opinion of a decided English Republican, Mr. Harrington---“ A Commonwealth consists of  
“ a Senate proposing, a people resolving,  
“ and the *magistracy* executing; whereby  
“ partaking of the Aristocracy in the Senate,  
“ of the Democracy in the People

\* The Memorial here gives, in a free translation, the Sum and purport, rather than the close tenor, of this Speech; rather than copying the manner, it gives the spirit of this wise counsel of Brutus, on which the Roman Republic, at its first great revolution was established. The Editor did think of putting the Speech itself in the original, in the margin; but, on second thoughts, decided that it was mere trifling to fill two or three pages with Greek to no purpose. The learned reader, if he feels himself interested, will refer to it.

† Fragment. *Ciceronis de Repub. Lib. ii.*

“ and

“ and of Monarchy in the Magistracy, it  
 “ is complete. Now, there being no other  
 “ Commonwealth but this in Art or Na-  
 “ ture, it is no wonder that the Ancients  
 “ held this only to be good.”

After these authorities, the Memori-  
 alist presumes to offer, with all humility  
 and deference, his own reasoning, ap-  
 plied to the present State of the Ameri-  
 can Confederation. It seems to this Me-  
 morialist, that, to insure to itself effici-  
 ency and permanency ; to assure all other  
 Powers, which can have any negotiation  
 or alliances with it, of its having full  
 powers and authorities, not only to treat  
 and to conclude, but to carry into actual  
 effect whatever it binds itself to in  
 Treaty ; the general Confederation, the  
 general Government, wants something to  
 insure in all cases the *Consensus Obedien-*  
*tium* of all the States, to those measures, the  
 carrying of which into execution depends  
 on the distinct Sovereignty of each State.  
 The Congress met at Albany, felt the  
 same difficulty, and found that in prac-  
 tice

tice this same defect might occur. What they as Commissioners of subordinate dependent Provinces adopted, might suit them as subject to a Superior paramount Government, but can by no means be even talked of in the case of independent Sovereigns. In consequence, however, of the Independence and Sovereignty of each State, some thing hath appeared as wanting. What that something should be, the Memorialist does not presume, even in his own mind, to form an idea of, much less to write or speak of. If, on any occasion, the Delegates of any particular State, being in a Minority on any Question, the State who sent those Delegates should think, that Congress had exceeded the Powers with which it is invested, or had mistaken and not acted conform to them, and should therefore withhold the *consensus obedientium*; Political logic will never be wanting to give scope to such evil. If there are no such Symptoms through which Congress meets with difficulties; if what this Memorialist hath  
been,



been led to fear, and through excess of anxiety hath presumed to mention as an Object of fear, is unfounded, he begs pardon, and confides alone in the Spirit of liberality, which animates Congress, for forgiveness. If any such Symptoms have, however latent, been felt; the caution, although it may be, as Demosthenes said to the Citizens of Athens, neither prudent nor pertinent in me to mention, is, nevertheless, *always necessary for You*, UNITED STATES AND CITIZENS, to take to your bosoms.

The Articles of Confederation mark, that there are many Matters respecting the general Interest of the States, and their Business, which must be referred to Congress: the Deliberation, the deciding opinions and Resolutions upon those matters, and the originating of Measures to be taken thereupon, must certainly be trusted to Congress, and cannot any where else be so truly and safely trusted. Congress, however, seems to be formed on the Idea of a Senate to debate, or of a Council

Council to advise ; and there seems to be (at least it so seems to this Memorialist) *a necessity of a distinct Branch of Magistracy for Administration* : an office executed by some officer or officers that shall be responsible to the States at large. If the same Body whose Result forms *the Reason of State*, and hath full power and authority to decide and resolve what *is right to be done* in the General Government, is to administer this reason of State, and to execute the measure decided on ; there can be no responsibility : and should even, in future depravations of men, such cases arrive, that a Majority of some future Congress should be devoted to the sentiments of some foreign Court, THE UNITED STATES may be injured within the year of that Congress, without remedy : whereas, were two Consuls (Protectors, Stadtholders, Presidents, or officers by any other Title) annually elected, who should administer and execute (under the Authority and by the advice of Congress) the General Business of the

UNITED

UNITED STATES, and limited in their power thus only to act, so as that any Act, not thus authorised and advised, should be null and void respecting the States, and Criminal respecting the Acting Magistrates; the Confederation could not be betrayed. And if, in order to manifest the Authority and Legality of these Executing Administering Officers, it should be a necessary accompaniment, that every Act should be countersigned by the Secretary of Congress; no Persons or States whom it might concern could be deceived. These Magistrates, to prevent any collusion between them and a corrupt majority of Congress, ought to be held responsible to the States at large, for executing any measures, even though advised by Congress, if such measures were fundamentally contrary to the Constitution, or directly injurious *Rei Populi*, or did in any mode betray the interest of the States to foreign powers: and at the same time these Magistrates, that in fair justice they might be able to act clear of

blame under this Responsibility, ought to have a power, if they saw Cause, jointly or separately, of suspending their Acting, until they could refer the matter of Doubt to the Several States respectively. "As  
 "the *band* of the Magistrate would 'e,  
 "by this Institution, the Administrator of  
 "the *Reason* of State and the Execu-  
 "tor of the Law; so the *head* of that  
 "Magistrate ought to be answerable to  
 "the People that his conduct is directed  
 "by that reason of State, and his execu-  
 "tion conform to that Law \*." Such a  
 Magistrate will be in a natural incapacity  
 of doing wrong himself, and will be from  
 prudence and Self-safety an efficient check  
 over any very dangerous errors or mis-  
 chievous Intrigues of Congress. The  
 Memorialist does not here presume to  
 Speak of the Extent or Limitation of the  
 Powers which should be vested in such  
 Magistrates; he will only say, as an un-  
 controvertible truth, that they should be  
 such as are efficient to Administration and  
 Execution.

\* Mr. Harrington.

Execution. If they are not, the Institution is a Mockery : and if the UNITED STATES AND CITIZENS OF AMERICA hesitate to delegate such to an annual elective succession of Magistrates in rotation, they have not within themselves a real grounded assurance in the foundation of their own System ; they are not perfectly confirmed and satisfied in the consciousness of their Political Freedom.

The Wisdom and Authority of the Congress is the concentration of the reason and powers of the several States ; as is, in like manner, each State the concentration of the reason and powers of its respective Citizens. The Sovereignty and *Imperium* of the Magistracy in each State, is the concentrating Representative of the Majesty of the People of that State. There seems (at least to the apprehension of this Memorialist) to be wanting, in the General Government of the Confederation, a like centred Representative of the Majesty of the People

at large, and of the General Sovereignty of the United States.

As Man consists of Body as well as mind ; so, in all matters with which his political existence is connected, there must be an actual office externally and materially existing, as *the residence of Majesty and Sovereignty in personal Existence*, with which the Majesty and Sovereignty of other States may treat and act.

If, according to experience derived from the Wisdom and Fortune of Rome, THE UNITED STATES should be of opinion to institute such an office, the residence of Majesty and Sovereignty; and to Create two equal Magistrates with concurrent jurisdiction, as above described, to administer and execute these concentrated Powers ; they will, as that State did, cloath this officer or officers with all the ensigns of Majesty, and all the outward marks of Executive power ; with all the honours and dignities that should attend and adorn the actual Representative

presentative of the Majesty of the People; so that its authority may be seen and felt, as well as its powers obeyed, within the General Government. They will so hold out the staff, and set up on high the Standard of their Sovereignty to all Nations, that its equal State may stand acknowledged, that its *Fecial* rights, its war establishment, the Rank of its Staff, and of its Officers, may be, by decided acknowledgment of Nations, known and avowed; that the Respect due to its flag, the Authority of its Passes, Letters of Mark, and the Rank of its Fleets and Seamen, may be settled as of common and reciprocal right; that the *several orders of Citizens*, in this New Republican State, may have, in perfect reciprocity, relative place and precedence amongst the *respective orders of subjects* in the several States of Europe; that its Commerce may, in its operations and interests, enjoy full and perfect liberty, such as it gives.

All the Forms of Office, all proceedings in business, all the modes of Administration,

nistration, all the acts of Government in the respective States, when they were Provinces and Colonies, were Monarchical. Most of the States have preserved the same Forms in their respective New-established Sovereign Constitutions; nor are they less Commonwealths or Republics for taking this mixed form; but, as hath been said above, so much the more firmly founded in Customs, Nature, and Truth. How, then, will the General Government be the less a Republic for taking the like form, or why less to be trusted with it? May the Memorialist, therefore, venture to say, UNITED STATES AND CITIZENS of America, consider and treat yourselves *as what you are*; and act upon your System *as being what it is*: and know *that it is* that best of all constituted Republics, that, in which the Monarchical, Aristocratic, and Popular Forms, are all combined in concert with each other.

If any doubts, fears, or jealousies, of the restoration of the Monarch, agitate the minds



minds of the States and Citizens ; the appointment of this new-reformed office, framed and interwoven into the Constitution of the Commonwealth, with powers that efficiently and to all purposes fulfil and execute all the duties of the Monarch, will, as it did at Rome, effectually for ever stifle every thought and wish that could look to such Restoration, and exclude all possibility of any such event taking place. Had the people of England, after the death of Charles the First, and the exile of the rest of the Royal Family, been in a capacity of taking up the precedent of Rome, and appointed an annual Magistracy---a Protector---or two Consuls, to execute the office of Protector or King, there never would have been a Restoration. But the Nation, finding no regular, constitutional, Administrative Power ; but, instead thereof, feeling the arbitrary power of every ascendant Faction, did, under one common sympathy, and unanimously, (if that expression can be said of an act where no concert or common

common consent was taken,) revolt from the Government in Possession, and recoil back into Monarchy, and to the Monarch.

The only thing which can ever, in America, create a danger of falling back to the imagination or desire of a Monarch, will be the leaving of the General Government defective, *finè Magistratu & Imperio* in the Executive Administrative Branch. If there be not a fixed permanent office, that may be the center of information ; the Repertory and Repository of the concentrated wisdom of the People, of the Reason of State ; that may be the constant, uniform, never-ceasing spring of action in the administration and management of the general Interest, the general government of the UNITED STATES ; this Government must at times be at a stand, its powers suspended, and always liable to be inefficient. This *defideratum* will lead uneasy, unsettled, restless minds, to other *defiderata* ; and if this chain of reasoning, or of adopting opinions, once takes

takes place with a people, who shall say to what it may or may not train? More is to be apprehended from the deficiency of this Branch of Government, than it is possible should derive from any establishment of such a Magistracy, and such annual responsible Magistrates, as this Memorial presumes to recommend. The Constitution of Rome was ruined by the advantages taken in various measures from the want of a proper elective Assembly, representative of the People; and the creation of an † unlimited Magistrate, to actuate their factions. If any thing could have saved this Constitution, the Office of Consul would have saved it.

All that is here said, refers to the Establishment of the Empire, *as to Peace and Polity*: the Congress, with a General and Commander in Chief of the Army, was sufficient for *War*—\* *Sed in posterum firmanda Respublica, non armis modo, neq; adversum Hostes, sed, quod multò majus, multòq; asperius est, bonis Pacis artibus.*

The Memorial here closes what it hath

† The Tribune. \* Sallust ad Cæsarem.

presumed to advance upon the matter of Constitution ; and quoting an opinion of Mr. Hume, namely, " That Legislators  
 " ought not to trust the future Govern-  
 " ment of a State to Chance, but ought  
 " to provide a System of Laws to regu-  
 " late the Administration of public af-  
 " fairs to the latest Posterity," will hope  
 that what it hath recommended will  
 make a serious impression on the minds of  
 the Americans in the true sense of this  
 wise and interesting advice.

The Spirit of a right Administration  
 must be formed and take its spring from  
 the various parts of the System of the  
 Community and State ; from the form  
 and order in which the Individuals with-  
 in the community, and the Citizens with-  
 in the State, lie and are distributed. An  
 Administration of Government follow-  
 ing these principles, will distinguish the  
 essential unalienable rights of the Indi-  
 vidual, both internal, and those which,  
 being external, are communicable, and  
 are melted down into the Communion.  
 It will take care that that full right and  
 pos-

possession, that free enjoyment of property, which the individual is entitled to; that those laws of nature which even the establishment of Civil Polity does not interfere in, and which, therefore, remain in the right of the Individual, are not clogged, abated, or obstructed, by any of those perverted conditions which the Governments of the *Old World* have too generally adopted.

The Spirit of the American will, as it hath done, continue to provide for a full, equal, unobstructed, adequate Representation, actuating both Debate and Result, by which the wisdom of the General Community may be concentrated; by which the Sense, both in consent and dissent, of the whole, may be regularly collected. It will always provide, as it hath done, for an uniform equable rotation of Obedience and Command.—

*“ Neque solum iis præscribendus est Imperandi, sed etiam Civibus obtemperandi Modus. Nam et qui bene imperat, paruerit aliquando necesse est; et qui modestè paret, videbatur, qui aliquando imperet, dignus esse.”*

*esse. Itaq; oportet ut eum, qui paret, sperare se aliquo tempore imperaturum; et illum, qui imperat, cogitare brevi tempore sibi esse parendum."* Cicero de Legibus, Lib. iii. § 2.

This measure of Rotation of Office, and responsibility at the going out of Office, is of the essence of a real Republic.

The State arising from, and being built up in, that Spirit of genuine Liberty, which animates the New World, not in the partial political one of the Old World, which hath a thousand distinctions and exclusions of Nations, Provinces, even Colours of the human Species; the UNITED STATES AND CITIZENS of America, whose System is founded on a Law of Nations that coincides with the Law of Nature, will find it just and right, true in politics, to institute some mode, by which the *Slaves*, whom Providence hath suffered to come under their domination, may work out, by proper means and in suitable time, their Liberty; by means which may not injure the property of the Master-owners, and which may  
render

render the Slaves better and more zealous servants, while their Slavery remains. These unhappy People, emerging to liberty, under certain limitations, will become, what the American community most wants, a beneficial Supply of Labourers, Farmers upon rent, Mechanics and Manufacturers. Perhaps, in order to throw them into these classes, as well as for other reasons, it may be thought one of the proper limitations, to exclude the coloured *Liberti* from a capacity of having or holding any landed Property, other than as Tenants. The Memorialist has his ideas as to the means of carrying this measure into execution. If the States should disapprove the measure itself, the mention of them would become improper. If it should please God to put it into their hearts, to reason, that, while they feel their obligations to his Providence for establishment of their own liberty, they ought to think it a duty required of them to open and extend this blessing to their fellow creatures;

tures; they would be masters of much better ways and means than the Memorialist could suggest, each State adopting by their own legislature such as were suited to their respective peculiar circumstances.

As the UNITED STATES in the New World have no landed Clergy, *no Church Establishment*, as the Religion of the State or the General Government; and as this is a matter so foreign and incomprehensible to common Politicians of the Old World; more than ordinary attention becomes due to the grounds of the Sanction of Oaths. It will be wise to review the Institutions by which Oaths are applied to the interior proceedings of Government; it will be necessary that Foreign powers should understand the Grounds of these Sanctions, both divine and human, by which the obligation of oaths in America stands bound and devoted.

Although the *Modes* of Faith, and Fashions of Ceremonies in the Religion of America, are left as indifferent and  
irrelevant,



irrelevant, either to the true Essence of Religion, or to the Constitution of the State; yet there is no Country or Region on the Earth, where a real sincere, conscientious sense of the divine truths respecting the Supreme Being, and the dispensations of his providence here, and in a future State of Rewards and punishments, are in Spirit and truth so generally impressed on the mind and Character of the Inhabitants; and the States, each within its own jurisdiction, do require of every Citizen, \* upon the same Principles

\* It may not be amiss to give an instance or two of this: first, as it was conceived by those States of the Old World who were under the darkness of the False Religion; and, next, of the general manner in which the American States take up this necessary claim on their Citizens.—*Si igitur hoc a principio persuasum Civibus, Dominos esse omnium rerum ac moderatores Deos: eaq; quæ gerantur eorum geriditione, ac numine, eosdemq; optime de genere hominum mereri: et Qualis quisq; sit, quid agat, quid in se admittat, quâ mente, quâ pietate colat religiones, intueri, piorumq; etiam piorum habere rationem.*——*Utiles esse autem opiniones has, quis neget, cum intellegat quam multa firmentur jurejurando; Quantæ Salutis sint Fœderum religiones; quam multas divini supplicii metus à scelere revocârît, quamq; sancta sit Societas*

ciples that all other States have done; some open testimony and overt act of his religious character. There is, therefore, the same grounds of the Sanction of an oath in the mind and conscience of man towards God, in America, as in any other Country; and, indeed, ground more assuredly to be rested upon, where the religion, being that of the mind and heart, is free in Spirit and Truth, than where it is made

*Societas Verum inter ipsos, Diis immortalibus interpositum Judicibus tum Regibus.*—Cicero de Repub. L. ii. § 7.

See next how the States of America take up this idea, and make it one of the fundamentals of their System. I will take my instance from the State of Massachusetts; which shows, that, although that Commonwealth admits no Church establishment, yet it considers Religion as the fundamental principle of a State.—“It is right, as well as the Duty of all Men in Society, publicly and at stated seasons to worship the Supreme Being.—As the happiness of a people, and the good order and preservation of the Civil Government, essentially depend upon Piety, Religion, and Morality; and as these cannot be generally diffused through a Community, but by the Institution of the Public Worship of God, and of public instructions in piety, Religion, and morality; therefore, to promote their happiness, and to secure the good order and preservation of their Government, the People of this Commonwealth

made up, of externals forced by establishment into practice, which becomes little better than either mechanical habit, or hypocrisy. Again; where Men accustom themselves to use in common conversation the *forms* of oaths by appeals to God for the truth of their Conduct or of their  
 affe-

wealth have a right to invest their Legislature with power to authorise and require, and the Legislature shall, from time to time, authorise and require, the several Towns, Parishes, Precincts, and other Bodies politic, or religious Societies, to make suitable provision, at their own expence, for the institution of the public worship of God, and for the support and maintenance of public Protestant Teachers of Piety, Religion, and Morality, in all cases where such provision shall not be made voluntarily.'

'And the People have a right to (and do) invest their Legislature with authority to enjoin upon All the Subjects an attendance upon the Instructions of public Teachers as aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.'

'Provided, notwithstanding, that the several Towns, Parishes, Precincts, and other Bodies politic, or religious Societies, shall at all times have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.'

'And all monies paid by the Subject to the support of public Worship, and of the public teachings aforesaid, shall, if he [that is, any Individual, or

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number

asseverations; or where, in the like profane habit, they do, as it were by a kind of *votive ordeal*, call down upon themselves the vengeance and the curses which God is supposed to pour down on the heads of the perjured: in such countries, and with such habits and characters, there will not be that religious Sense of the solemn Sanction of an oath, as in America, where this profane habit hath not yet pervaded the general manners of the people.

An Oath is, as Cicero \* defines it, *Affirmatio religiosa, DEO teste*. This being

number of Individuals] requires it, be uniformly applied to the support of the public Teacher or Teachers of his own religious Sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the Teacher or Teachers of the Parish or Precinct in which the said monies are raised.

‘And every Denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the Law; and no subordination of any one sect to another shall ever be established by Law.’ —This Institution, *mutatis mutandis*, will suit the religious part of every state in America.

\* De Off. Lib. iii. § 29.

so solemn an appeal to religion as ought not to be permitted to be violated without the temporal resentment of Civil Society; all States have annexed severe temporal pains and penalties to this daring breach of faith, pledged under the witnessing Eye and Sanction of Heaven. The Sanctions of an Oath are by these means of two kinds: Perjurii pœna *Divina* Exitium; *Humana* Dedecus. Cicero de Leg. Lib. ii. § 9.

If there is not in a People a conscientious habitual sense of the superintending Providence of the Supreme Being, the pœna *Divina*, with the Man or Men who want this Sense of duty towards God, will become a mockery and an ensnaring false pretence to confidence; and the adding an oath, under this callous State of conscience, must operate as such a snare, without insuring truth or right. Nay, even further; where the proper sense of religion remains, if the divine Sanction of Oaths is applied in trivial cases, or too

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presumptuously

presumptuously recurred to in matters of doubtful temptation, or even made too common on more serious occasions—or is tendered as a form of course in the ordinary occurrences of business,—it will become prophaned; first neglected, and finally contemned. This Error hath been invariably fallen into by all the Governments of the Old World, hath invariably produced the same evil, hath been felt in all, complained of, but never redressed.

It is a common and repeated remark with Historians, when they compare the corruptions of later with the purity of former times, to mark this loss of the *Divine* Sanction of oaths. \* Livy, speaking of a transaction, wherein the Tribunes aimed, by a casuistical distinction, to absolve the people from their oaths, says, *Sed nondum hæc, quæ nunc tenet Sæcula, negligentia Deum venerat, nec interpretando sibi, Quisq; jusjurandum & Leges aptos faciebat, sed suos potiùs mores ad ea ac-*

\* Lib. iii. § 20.

*commodat.*

*commodat.* The Memorial here recurring to its leading proposition, That, as the Americans are founded on, and *built up in, quite a new System in a New World*, by themselves, are not only at liberty, but, in the natural course of their operations, must be led to take their measures from nature and truth, and not from prejudged precedents; whatever institutions they form on any new matter or occasion will be original: on this position, the Memorialist ventures to proceed in the following reasoning. As the sanctions of an oath are of two kinds, if the oath is tendered and taken under one only of these sanctions, the *Pæna*, as Cicero describes it, will have a very different reference to the avenging justice of Heaven, or to the pains and penalties of the Civil Power. The American Legislators may, perhaps, making this distinction, be led to separate these two very different sorts of Oaths; the Oath taken under the Civil Sanction and Penalties only, from that in which the Divine

vine and Human Sanctions are combined, An oath taken and made, not invoking the presence and attestation of God, but in presence of and pledged to the Civil Magistrate only, under all the pains and penalties of perjury, and, under the Sanction of those penalties, in case of perjury, of being rendered incapable of giving testimony, of doing any act, or enjoying any right, privilege, or thing, which requires the intervention of an Oath, may be sufficient bond of faith in all ordinary cases, in all Forensic or Commercial transactions. *The OATH of the higher and more solemn form*, where God is invoked as a witness, wherein he is appealed to as a Judge, and as the direct avenger of perjury ; this solemn Oath, in which the Divine Sanction hath also the temporal human Sanction combined with it, should be reserved solely to the most important occasions of the State, either in those grants or claims of rights which may arise from its Feacial and Fœderal transactions with Foreign Nations; or where, within their own System,



tem, the Majesty of the People ; the Sovereignty of the State ; the vitality of the Constitution ; or the life of man is concerned. In the tender and taking of this oath of the higher and solemn sanction, every ceremony, every solemnity, should be used that can tend to impress a right Sense of the Sacred Sanctions under which it is taken.

An institution of this kind, planned and formed by the wisdom of the Assemblies of the States, with all the provisions, distinctions, and limitations, which they will best know how to apply, would avoid all those evils arising from the defect or corruption of the divine sanction of oaths ; would preserve more sacred that sanction ; and maintain its operative effect on the minds of men longer than any State of the Old World hath been able ever yet to do.

This Memorial doth not presume to review the establishment of the Military Part of the States ; nor the form under which

which the Continental Army was constituted: if it did, it could be only to say, that nothing could be better calculated, nothing more wisely grounded, so as to harrafs the people as little as possible, and yet always to be in practical promptitude, and efficiency, to execute the very service for which it was called forth.

It declines, also, saying any thing on the Naval Department, as that subject seems to the Memorialist to require the discussion of a previous question, of great import either way, and a matter of deep policy, of which the Memorialist is not competent to judge; namely, whether that Force should be brought forward into force equal to the capabilities of the Empire, *all at once*, by one great united effort; or be let to grow by a natural successive progression in the ordinary train of affairs?

There are one or two points which lie not, indeed, so much in matter of Administration, as in the procedure of executive Justice.

The

The first is the new mode by which the States and the General Government must define and class the Crime of Treason, and Offences against the *Majestas* and the *Salus Populi*, and the Sovereignty of the State. The Governments of the latter periods of the Old World being Feudal, and there being no idea of Sovereignty but of that which was Personal, the Crime of Treason was confined to overt acts committed against this Personal Sovereign: but in the new System and Constitution of the UNITED STATES, the object *is the State, not the Person*. This Crime must be described, defined, and classed under its several degrees of criminality, according to this latter Idea. Here the Wisdom of Congress and of the States cannot act too much upon caution, cannot too attentively, too anxiously, apply that caution, to guard itself against the errors into which the Romans were betrayed, and which, under this law of *læsa Majestas*, gave scope to the most cruel engine of Tyranny.

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There are not, nor ever were, in America, any of those *Forest-laws*, if Laws they can be called, which were the mere denunciations of Tyranny and Domination; Regulations that ruined the poor subjects of the Monarchs of Europe, in order to insure the preservation of their beasts of the Chase. This tyranny became intolerable every where; in Britain it was wrenched out of the hands of the Monarch. If the suppression of this domination had been made under the genuine Spirit of Liberty, the mischief would have ended here; but a hundred heads of petty Tyrants sprung out of the neck of this Hydra principle. A System of *Game-Laws* became established in the hands of lesser, but more mischievous Tyrants; and in their hands became snares round the necks, and as whips of scorpions over the backs of the lesser inhabitants of the land, the unqualified Yeomanry and Tenantry: but the Spirit of America revolts against such baseness; the very air will not permit it; what is *Wild by Nature*

*Nature* is there Game to every Individual, who is *free by nature*. There are laws to secure to each land-holder, the quiet enjoyment of his land against real trespass and damage ; but there are no *Game-laws* in America : that impudent Tyranny hath not yet, and, I trust, never will, dare to show its head in that Land of Liberty.

There is another matter of Police, which being, as the Memorialist conceives, an almost general Error of the Governments of the Old World, and such as he thinks the System and Principles of the New World will reform, he will not pass by in silence. He thinks that *imprisonment for debt* is a direct solecism in policy, not relevant to the ends of distributive Justice, and contrary to every idea of the advantages which the Community is supposed to derive, in some degree or other, from every individual. Imprisonment cannot pay the debt ; is a punishment that makes no distinction between criminality, or the misfortune, which may

have occasioned the debt. The glaring injustice of this punishment hath led to two remedial Laws, the Statutes of Bankruptcy and Statutes of Insolvency, which are sources of endless frauds. The locking-up the debtor from all means of Labour or Employment, is robbing the community of the profit of that labour or employment which might be produced, and is making the Debtor a burthen to his Creditor and to the public. If any fraud or other criminality appears amongst the causes of the debt; or if it hath been occasioned by an undue course of living above the circumstances of the debtor; correct the vicious Follies, punish the Fraud. But taking the Debtor, simply as a debtor, pity his misfortune; do justice, nevertheless, to the Creditor. Instead of shutting the man up from all means of maintenance, \* indent

\* This Indenting of a Servant for a number of years, three, four, or seven, as the Europeans do apprentices, is a practice of every day: where New-comers into the Country,—some possessing large sums, indent

dent him to his Creditor or Creditors as a bond servant ; or where misfortune and not criminality was the cause, put him in some or other way by which some profit may be drawn from him. If he cannot labour in one way, he may be employed in another ; for when obliged to it he will become useful in some way or other. If his mode of labour or capacity for employment be not of immediate use to his Creditor, that Creditor can sell his time to some other person, to whom it may become so ; the Creditor will thus, in part, be reimbursed ; the profit (how small is not here the consideration) will not be lost to the Community ; and the dread of being reduced to this servile state will be a greater terror to debtors becoming so by fraud and criminality, than any confinement in any jail whatsoever.

The Americans will excuse the Memorialist, if he mentions one matter more ;

dent themselves as Servants for three or four years, in order to learn the business of the country before they settle in its lands.

which

which is, a caution against their falling into that false police of the Old World which hath manacled the hands of Labour, and put fetters on the activity of the Human Being; which hath fixed him to one Spot, and, as it were, to a vegetable mechanism, whom Nature meant should be locomotive, seeking his means of labour and employ where he could best profit of his powers and capacities. He mentions this as a guard against their interfering with the free course of Labour; the free employment of Stock, either by direct regulating and prohibitory laws; by partial privileges, on one hand, or checks on the other; or by any local or personal privileges, which is a bounty on idleness, and destroys all competition; or by foolish bounties, which put every account of manufactures or commerce on a false balance at the outset, which is never after set right. He hopes the Americans will excuse this excess of caution in an European, who has seen the evil effects of all these errors in police. He knows that



there is no such Spirit of Police in America, and he thinks he may hope there never will be.

Having thus discussed the *Essence* of the New System in the New World; the genuine Spirit of Liberty which animates it; the Spirit of Sovereignty that actuates it; the *equal temper* of a community of Equals which gives equable and uniform motion to it: having examined those relative matters which may, both internally and externally, affect the *existence* of this independent Sovereign; those points more particularly which are necessary to give it Efficiency, and to assure its Permanency: Having, by a concurrent analysis of its actual Situation with the Principles of the System, shewn how the Constitution is founded on nature, and built up in Truth; having explained (according to the manner in which the Memorialist reasons) how some new and original institutions of Policy ought to arise out of it: having marked what ought to be, and  
what

what will be, *the Reason of State, the Spirit of Administration* of such a free Sovereign, so founded and so built up: The Memorial will now venture, in the words of the Prophet \*, for this Prophet was as true a Patriot, as deep a Politician, as he was a sound Divine, to say to the Sovereign Government of America,

1. Arise, ascend thy Lofty Seat.
2. Be cloathed with thy Strength.
3. Lift up on high a Standard to the Nations.

Actuate your Sovereignty: exercise the powers and Duties of your Throne. Let the Supream Magistrate or Magistrates be visibly *cloathed* with the Majesty of the People; and seen to be armed with the efficient powers of Administration; and constantly attended with the rewards and Punishments of executive Justice. The Magistrate or Magistrates should not only have all those powers, but *be cloathed*

\* Ifaiah.

*with*

with them, as with a Robe of State. The Fasces or other Insignia Juris et Majestatis Imperii should precede this Magistracy in some visible form, whenever he or they come forth in the forms of office. These are expressed by the *Insignia* and *Fasces* which the Romans fixt in attendance on the CONSULS, after they had abolished the pomp and parade of their King.

It is not sufficient that the UNITED STATES feel that they are Sovereign ; it is not sufficient that the sense of this is universally felt in America ; it is not sufficient that they are conscious to themselves that the *Punctum Saliens*, the Source and Spring of the Activity of this Sovereign power, is within their System : until they lift up on high a Standard to the Nations, it will remain as an abstract idea, as a Theory in the World at large. This Sovereign must come forward amongst the Nations, as an active Existing Agent, a Personal Being, standing on the same ground as all other Personal Sovereigns.

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Its Powers, Commissions, Officers Civil and Military ; its claims to, and its exercise of, the Rights of the Law of Nations, must have their full and free scope in act and deed : wherever they come forward, their Standard and Flag, the Ensign of the Majesty of their Sovereignty, must be erected, and its rights and privileges established amongst the Nations of the Earth ; it must be acknowledged ; respected ; and, in all cases whatsoever, *treated as what it is*, the Actual Signal of a Sovereign Empire.

The Supream \* Magistrate of this confederate State when placed on the Throne of Empire, will become animated, and feel himself actuated by a sense of Sovereign power ; of his being the administering Officer of a Free People : and the People, conscious that they are mutually

\* I here use the word Magistrate singularly, as meaning Magistracy, instead of repeatedly using the expression Magistrate or Magistrates.

Participants, and in common Constituent-Members, of this Sovereignty, will feel a reciprocal sense of the Duty of Obedience.

The Popular Branch of a State, the People, are always found attached to their ancient Government; the Allegiance is so worn into habit, as to create a home-sense of its being *Their own Government*: this is an artificial conscience, an acquired opinion, a secondary principle. But when a People feel, that this Government is of their own establishment and Structure; that the Magistrate administering is of their own creation; and that each one of themselves is capable in rotation of becoming that Magistrate; they feel directly, primarily, on the fact, that this Government is their own *Imperium*, and the Duty of Obedience operates as by a sense of Nature.

The Supreme Magistrate of this Republic will feel, that the Community meant that the Sovereignty should be Efficient; and that He is entrusted by the

Confidence of the People so to actuate it. He will assume to his Character this confidence. He will have the consciousness of knowing that He is the actuating spirit of the concentrated Vitality of the State ; and that His first and direct duty is the preservation thereof in all its functions, health, and efficiency. He ought to fear nothing so much as the doing or suffering any thing that may hurt the *Salus Reipub.* that may diminish or abate the Majesty of the People. It is not sufficient that his office and Character have respect annexed to them ; but He ought to acquire an Ascendency that will command respect. He ought to be cloathed with the palpable visible Authority and Power of the *Imperium*. He ought to stand above the level of Equality ; He ought, wherever he is seen, to impress a sense and an idea of Superiority and Eminence ; He ought to be looked up to as the shield of the Good, and as the armed avenging hand of Evil. The People ought to see, (and, if the constitution

constitution of the State be conform to the System of the Community, they will see,) that, as all political information centers in this office ; as the Wisdom of the State is concentr'd there ; so the Activity of the State springs from it. Thus Seated on the Throne of Empire, the Supreme Magistrate of a State formed of a Free People, where the interest of the Rulers and of the People coincide, or rather are the same ; the People and the Rulers cannot have two different views of things ; the Rulers can have no Interest, no Wish, to represent or to treat things different from what they are. In a State so constituted and so arranged in its administration, there cannot be even a temptation to deceive on the part of the Rulers ; there cannot be any ground to suspect such on the part of the People. It is only when the Government is built up contrary to the fundamental System of the Community, or, being perverted, becomes so, that

that deceit, corruption, or violence, can become a measure of State Policy. In a real Republic, which is *Res Populi*, the Procession of its constitution, and the course of its actions, arise from Nature and Truth; all Deception, all Corrupt influence, all Violence, is directly contrary to the true principles of politics. Without Truth and Justice, a Republic cannot be administered or governed. The Supreme Magistrate of such a free State, must, from the nature of his information, see things as they lie in Nature, and will of Course found his Measures in Truth. Truth is not only a virtue, but is Wisdom; and, in a government of a real Republic, such as the Empire of America, is the only Genuine Policy. It creates trust, finds Union and Confidence. And, lastly, an Administration actuated by such principles and maxims, finds itself *Cloathed*, with Strength, the united strength of the  
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People \*. Where there is a right knowledge in a Supream Magistrate of the Duty of administering a Republic, that Magistrate will be above all wretched King-craft and Cunning. Such is only necessary to false Power, to half spirit, and half sense. The Magistrate who acts with real power, and understands his own situation and duty, will treat Persons and Things *as what they are* : he knows exactly the line and takes it, and discerns of course the crooked one, only to avoid it. Truth has but one plain road to take ; it is open, and is the best Policy. As it

\* This is not vision, such as the Statesmen of Europe, who are wise in their Generation of Corruption, may call it : it is Fact. And the Memorialist feels a conscious pride that He dare appeal to the State Massachusetts-bay, for an Example, in a period wherein the Rulers and the People had but one View of things, but one line of Conduct ; wherein more real Exertions were made for the Public Service, than in any other Period, wherein the People have been attempted to be ruled by *the Art of Governing*, by deception, by corrupt influence, by violence.

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doth itself command Nature; it will lead a Republic to command to the utmost extent of its Capacities and Powers.

That Spirit of Uniform Justice, *quæ nec puniendo irritat animum immanem; nec omnia prætermittendo, licentiâ, Cives deteriores reddit*, is inseparably allied to this of Truth.

The Spirit of Magnanimity, that Spirit which never ceases to feel that it is acting the part of a Sovereign over a Free People, who Governs by Authority within the State, and holds up his head with an ascendant address amongst his Equals, other Sovereigns of the Earth, is another constituent part of this character.

A temper of invariable universal Benevolence, which circumscribes all the rest, and binds the Character into perfect System, is the crown of these (I will call them) political virtues.

Being thus planted in a New System in a New Country; growing up under such prin-

principles of Truth and Nature; established in such a Constitution of Government; having in so short a period been brought forward to Independence, and become Sovereigns acknowledged so by the Sovereigns of Europe; all this coming into Event by Something beyond the ordinary course of Events in human affairs, THE UNITED STATES AND CITIZENS OF AMERICA may say, "*It is the Lord's doings.*" But let them remember, that enjoying a System of police that gives activity to their powers; that inhabiting a New World, a land of plenty and liberty; a country which hath so many sources of enjoyments which it offers to the Old World—let them remember the obligations which Heaven hath thus laid on them, and the returns which this Goodness reclaims of them; that They respect the rights and liberties of Mankind; that by a free commerce they diffuse to the World at large the surplus portion of these

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good things which they must be continually creating in their own World ; that they consider themselves as the means in the hands of Providence, of extending the Civilization of human Society ; and the Teachers, by their example, of those Political Truths, which are meant, not to enslave, but to render men more free and happy under Government.—If they take up this Character within themselves, and hold out its operations and effect to the Old World, they will become a Nation *to whom all Nations will come* ; a Power whom all the Powers of Europe will court to Civil and Commercial Alliances ; a People to whom the Remnants of all ruined People will fly, whom all the oppressed and injured of every nation will seek to for refuge. *The riches of the Sea will pour in upon them ; the wealth of Nations must flow in upon them ;* and they must be a populous and Rich People.

That all this, UNITED STATES AND  
CITI-

CITIZENS of America, may tend to your own real Good, Peace, and Liberty; that all this may prove the natural means, under the blessings of Heaven, of General Liberty, Peace and Happiness to Mankind, as the utmost that Human Nature here on earth can look to, is the ardent wish and anxious prayer of Your Memorialist.

POWNALL.

F I N

**BOOKS written by Governor POWNALL.**

- I. The Administration of the British Colonies,  
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## TABLE OF ERRATA:

The Reader is desired to correct the following Errata before  
he reads the Work.

### FIRST MEMORIAL.

Page 28. l. 19. *put the asterism after the full stop: and  
before the word The*

— 29. l. 3. *for Deditiis read Deditii*

— 30. l. 1. *dele the comma*

— 34. l. 24. *for Manufactures read Manufacturers*

— 35. l. 2. *dele comma after policy*

— 39. l. 3. *dele comma after avarice*

— 49. l. 14. *dele comma after of*

### SECOND MEMORIAL.

Page 38. l. 10. *put a full stop after the word these. and  
begin the next sentence with A capital*

— 42. l. 6. *for Commissioners read Commissions*

— 54. l. 12. *after the word could insert not*

### THIRD MEMORIAL.

Page 47. l. 19. *dele the stop after the word purpose  
and put a colon after Empire:*